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SENATE

REPORT
No. 97-525

INTERNATIONAL EXPOSITIONS

AUGUST 13 (legislative day, JULY 12), 1982.—Ordered to be printed

Mr. PERCY, from the Committee on Foreign Relations, submitted the following

REPORT

[To accompany H.R. 6409]

The Committee on Foreign Relations, to which was referred the bill (H.R. 6409) to provide for the participation of the United States in the 1984 Louisiana World Exposition to be held in New Orleans, Louisiana, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

PURPOSE

The primary purposes of this legislation are to provide for the participation of the United States in the 1984 Louisiana World Exposition and to provide a procedure for determining whether a plan for the Federal Government to participate in an international exposition should include the construction of a permanent or temporary pavilion.

BACKGROUND

A. THE LOUISIANA WORLD EXPOSITION

The official there of the 1984 Louisiana World Exposition is "The World of Rivers . . . Fresh Water as a Source of Life." It will be held on an 80-acre site fronting on the Mississippi River in the wharf/warehouse district of central New Orleans. Louisiana World Exposition, Inc., sponsor and organizer of the Exposition, is a nonprofit corporation supported by grants and loans from local governments, corporations, and individuals. Planning of the Exposition is at an advanced stage, and preparation of the Exposition site has begun, including renovation of historic warehouses which will be incorporated into the Exposition. More than $50 million in local funds, much of it in the

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form of loans, has been raised to organize and construct the Exposition. These funds, believed by the organizers to be sufficient to accomplish all the necessary work associated with the Exposition, will be repaid from gate receipts. As part of its contribution, the State of Louisiana is constructing a huge, permanent exhibition hall which will be the centerpiece of the Exposition site, providing more than 15 acres of enclosed, air-conditioned exhibition space, at a cost to the State of Louisiana of more than $100 million. This structure is presently more than half completed.

The Louisiana World Exposition is scheduled to open May 12, 1984, and to remain open until November 11. The estimated average ticket price is $8.50 per person. The organizers calculate that the exposition will have to attract 10 million visitors to "break even" financially—a figure which they feel is achievable in light of the substantial tourism normally attracted to New Orleans, and the attendance being experienced by the Knoxville Expo (which is likely to exceed 11 million and all pre-fair projections). The site and all permanent structures and improvements will be returned to private developers and public use, including the wharves, after the exposition.

The President, under standing authority provided by Public Law 91–269, has issued invitations to foreign governments, on behalf of the United States as the host country, to participate in Expo 1984. Under the same authority, a plan has been formulated for a U.S. pavilion and the U.S. exhibits it will house. As currently planned, the U.S. pavilion will consist of an 87,000-square-foot structure featuring a circular, 1,000-seat theater surrounded by about 15,000 square feet of display space. Tentatively planned exhibits include a "Gallery of Rivers," a "Fountain of Celebration" at the entrance to the building, an oasis reminiscent of the U.S. pavilion at the 1884 world fair in New Orleans, a multivisual 70-mm film on water as a source of life, projected a 95 x 42 foot curved screen, and dockside exhibits at the wharf adjoining the U.S. pavilion.

The $10 million authorized by H.R. 6409 for U.S. participation in this Exposition is for the exhibits, personnel to staff the U.S. pavilion, and expenses associated with carrying out U.S. responsibilities as the host government.

In recommending this authorization despite these concerns, the committee notes that the authorization has the approval of the Office of Management and Budget, is within the President's proposed budget, and is significantly less than has been requested and approved by the Congress for U.S. participation in past international expositions. It is, for example, less than half the amount authorized and appropriated for Energy-Expo in Knoxville ($20.4 million).

The relatively low level of this proposed authorization is attributable principally to the fact that the U.S. pavilion building in New Orleans will be built with local, rather than Federal, funds. None of the funds authorized by H.R. 6409 will be used for construction of the pavilion. The pavilion building will be constructed at a cost of $6 million. It will be a temporary structure which will be leased for a nominal sum for the U.S. exhibit for the duration of the Exposition, and destroyed after it closes. By eliminating the need for federal construction funds for the U.S. pavilion, the organizers have presented the Congress with the minimum possible funding request for U.S. par-

ticipation, in keeping with the current budget restrains being addressed by the Congress and the nation. It is on that basis that the committee is able to recommend passage of H.R. 6409.

B. IMPROVEMENTS IN THE PROCEDURES FOR PARTICIPATION IN INTERNATIONAL EXPOSITIONS

Beginning with the 1876 Philadelphia Centennial through the Knoxville Energy-Expo '82, the federal government has participated in over 40 expositions held in the United States at a total investment of approximately $90.6 million. The following chart illustrates the U.S. Government's investment in the last five international expositions:

[In millions of dollars]

Exposition, year and location	Investment in U.S. pavilion facilities	Total Federal investment
Century 21, 1962, Seattle, Wash.	4.1	9.9
New York World's Fair, 1964-65, Flushing Meadows, N.Y.	10.4	17.0
HemisFair, 1968, San Antonio, Tex.	3.7	6.8
Expo '74, 1974, Spokane, Wash.	6.6	11.5
Energy Expo, 1982, Knoxville, Tenn.	12.3	20.8
Total	37.1	66.0

Before 1970, standards and criteria for U.S. participation in expositions were generally set forth in the applicable public law authorizing participation in the particular exposition. However, because of the increasing number of proposals for future expositions and the widely varying circumstances under which international expositions developed, the Congress in Public Law 91–269, enacted May 27, 1970, established uniform conditions under which the Federal Government would recognize and participate in such expositions.

That Act provides that Federal recognition of an exposition be predicated on a finding by the President that such recognition will be in the national interest. In making this finding, the President must consider among other factors:

A report by the Secretary of State that the exposition qualifies for consideration of registration under Bureau of International Expositions rules. (The Bureau is an international organization established by the Paris Convention of 1928 to regulate the conduct and scheduling of international expositions to the best advantage of its membership of over 30 nations. Although the United States did not become a member of the Bureau until April 30, 1968, it approved both Century 21 and HemisFair.)

A report from the Secretary of Commerce as to the purposes of and reasons for the exposition and the extent of financial and other support to be provided by state and local governments and business and community leaders in the area where the exposition is to be held.

Federal participation in an international exposition also requires a specific congressional authorization. The act provides that the President transmit a participation proposal to the Congress. The proposal must include a statement that the exposition has been registered by the

Bureau of International Expositions and a plan for Federal participation prepared by the Secretary of Commerce in cooperation with other interested Federal agencies.

In accordance with section 3 of the act, the Secretary of Commerce, in developing the plan, must consider whether the plan should include the construction of a Federal pavilion and, if so, whether the government needs a permanent structure in the area of the exposition. If such a need is established, the Secretary may include a recommendation that, as a condition of participation, the government be deeded a satisfactory site for the Federal pavilion free of liens and with unrestricted rights of disposition. Section 3 also provides that the Secretary of Commerce seek the advice of the Administrator, General Services Administration (GSA), to the extent necessary, in carrying out these provisions.

The authorizing legislation for the last two expositions was criticized by various members of Congress as "back-door urban renewal projects." This criticism was based on the fact that U.S. pavilions constructed for earlier expos have passed on to state and municipal authorities at little or no cost.

The question of the residual use of the pavilions constructed for these expos has been the subject of two GAO studies issued in 1976 and 1981. Both of these studies indicated that: (a) the U.S. pavilion reuse plans had not been developed; (b) there was insufficient lead time for pavilion design and construction; and (c) competitive bidding was not used on action grant projects. Both reports made specific recommendations to remedy the deficiencies in the current law.

On July 14, 1981, Senators Weicker and Hollings introduced S. 1482 which essentially implements the recommendations of the General Accounting Office.

Committee Action

On June 29, 1982, the Committee conducted an open hearing on S. 1482 (see appendix). At that time, the following individuals presented testimony: Mr. George Pratt, Director, International Exposition Staff, Department of Commerce; and Mr. Donald J. Horan, Director, Procurement, Logistics and Readiness Division, General Accounting Office.

On June 30, 1982, Senators Long and Johnston introduced S. 2701, a bill to provide the participation of the United States in the 1984 Louisiana World Exposition to be held in New Orleans, Louisiana.

On August 10, the Committee met to consider the various bills concerning international expositions. At that time, the Committee modified S. 1482 and added it to H.R. 6409 as a new section 16 (see section-by-section analysis). By a voice vote, the Committee ordered H.R. 6409, as amended, to be favorably reported.

Section-by-Section Analysis

SECTION 1—PURPOSES

Section 1 of the bill authorizes the President to provide for U.S. participation in the 1984 Louisiana World Exposition to be held in New Orleans, Louisiana and sets forth the purposes of the Exposition

as: (1) to offer the citizens of the world a greater understanding and appreciation of rivers and fresh water as a basis of life, providing food, transportation, energy, generating related industry and commercial activity, and serving as a source of aesthetic gratification, social interchange, and inspiration for the arts; (2) to create an awareness of the need to conserve and protect the world's fresh water resources from the hazards of increasing demands, diminishing supplies, pollution, and ecological disruption; and (3) to stimulate international trade, encourage tourist travel in and to the United States, and promote cultural exchanges.

SECTION 2—U.S. PARTICIPATION IN THE EXPOSITION

Subsection (a) authorizes the President to carry out the proposal for United States participation in the 1984 Louisiana World Exposition, transmitted by the President to the Congress pursuant to section 3 of Public Law 91–269 (22 U.S.C. 2803), and to fulfill the obligations of the Federal Government under the Convention Relating to International Expositions of 1928.

Subsection (b) authorizes the President to appoint, by and with the advice and consent of the Senate, a Commissioner General of the United States Government for the 1984 Louisiana World Exposition, who shall be the senior Federal Official for the Exposition.

Subsection (c) provides that the Secretary of the State may assign for duty with the Exposition two career members of the Foreign Service who have the rank of ambassador to assist the Commissioner General in performing the functions of the Commissioner General in foreign countries and in carrying out the diplomatic responsibilities of the United States as the host Government of the Exposition.

Subsection (d) provides that any functions which the Commissoner General or any individual or individuals assigned under subsection (c) of this section perform in a foreign country shall be performed in consultation with the Chief of the United States diplomatic mission in that country.

Subsection (e) authorizes the Secretary of Commerce to designate a Commissioner General of Section for United States participation in the Exposition. The Commissioner General shall be in the Department of Commerce and shall perform such duties in carrying out this Act as may be delegated or assigned by the Secretary. The primary duty of this official is to serve as director of the United States pavilion.

SECTION 3—AUTHORITIES OF THE SECRETARY OF COMMERCE

Section 3 provides the necessary authorities for the operation of the U.S. pavilion and for U.S. participation in the exposition.

SECTION 4—CONSULTANTS AND EXPERTS

Section 4 authorizes the Secretary of Commerce to obtain the services of consultants and experts as authorized by section 3109 of title 5, United States Code, to the extent the Secretary considers it necessary to carry out the provisions of this act.

SECTION 5—VOLUNTARY SERVICES

Section 5 provides that, notwithstanding section 3679(b) of the Revised Statutes of the United States (31 U.S.C. 665(b)) and section 3111 of title 5, United States Code (provisions of law restricting the acceptance of voluntary services), the Secretary is authorized to recruit, train, and accept the voluntary services of individuals in carrying out those functions, services, or activities in and related to United States participation in the Exposition. The Secretary is authorized to provide for incidental expenses of an individual providing voluntary services, including transportation, uniforms, lodging, and subsistence. Such individual shall be deemed to be a Federal employee only for the tort claims provisions of title 28, U.S.C., and for purposes of subchapter I of chapter 81 of title 5, United States Code, relating to compensation to Federal employees for work injuries.

SECTION 6—SALE OF ITEMS AT THE U.S. PAVILION AND EMERGENCY ASSISTANCE

Section 6 provides the Secretary of Commerce the authority, notwithstanding the requirements of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), to purchase for resale and to sell at fair market value books, brochures, recordings, souvenirs, and other items in conformity with the theme of the Exposition and commemorative of the United States participation in the Exposition, and to charge an amount sufficient to realize a reasonable profit on the sale of those items. The proceeds from the sale of such items shall be credited to the appropriation for United States participation in the Exposition and, to the extent provided in advance in appropriations acts, such credited amounts may be used for such participation. To the extent that such proceeds exceed the amounts necessary to provide for such participation, they shall be deposited in the Treasury as miscellaneous receipts.

The Secretary of Commerce is authorized to provide, without charge, aid and assistance to visitors to the United States pavilion in emergencies.

SECTION 7—FOREIGN PARTICIPATION IN THE EXPOSITION

Section 7 directs the Secretary of Commerce to take all reasonable measures to facilitate participation in the Exposition of the governments of other countries and their nationals, to assure adherence to the protocols of the Bureau of International Expositions, and to cooperate with the Louisiana World Exposition, Incorporated in its efforts and the efforts of the Federal Government to organize, develop, and administer the Exposition successfully.

SECTION 8—PRIVATE PARTICIPATION IN THE EXPOSITION

Section 8 directs the Secretary of Comerce to encourage private individuals, firms, associations, agencies, and other groups to participate to the maximum extent feasible in carrying out the purposes of this Act and to make contributions of funds, property, use of property,

and services to be used in carrying out this act. The Secretary is authorized to accept such contributions.

SECTION 9—COOPERATION OF OTHER U.S. AGENCIES

Section 9 authorizes all U.S. government departments and agencies to cooperate with the Secretary of Commerce in federal participation in the Exposition.

SECTION 10—REPORTS

Section 10 provides that, within one year after the date of the official close of the Exposition, the Secretary shall transmit to the Congress a report on the activities of the Federal Government under this Act. Upon transmittal of the report, all appointments made under this Act shall terminate, except that the Secretary may extend any such appointment for such additional period of time as the Secretary of Commerce considers necessary to carry out the purposes of this act.

SECTION 11—DISPOSITION OF FEDERAL PROPERTIES

Section 11 provides that, after the close of the Exposition, all Federal property acquired to carry out this Act shall be disposed of at the discretion of the Secretary, upon such terms and conditions as the Secretary considers appropriate, in accordance with the provisions of the Federal Property and Administrative Services Act of 1949 and other applicable Federal laws relating to the disposition of excess and surplus property.

SECTION 12—WAIVER OF EXISTING LAW

Section 12 provides that the functions authorized by this act may be performed without regard to the requirements, prohibitions, and limitations of the following laws:

(1) Section 3109(b) of title 5, United States Code, to the extent that section limits procurement of temporary services to 1 year.

(2) Section 5(a) of the Act of July 16, 1914 (31 U.S.C. 638(a)), as amended by section 16(a) of the Administrative Expenses Act of 1946, to the extent that section restricts the use of funds for hiring automobiles.

(3) Section 201(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(a)), providing for procurement of federal properties and services by the General Services Administration for executive agencies.

(4) Section 305(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 255(c)), which requires security for certain authorized advance payments, and section 3648 of the Revised Statutes of the United States (31 U.S.C. 529) which generally prohibits the advance of public moneys, if the Secretary determines that it is impracticable to obtain adequate security in a particular case and that there is a compelling need to make an advance payment in that case.

(5) Section 322 of the Act of June 20, 1932 (40 U.S.C. 278(a)), which places a maximum rental on the leasing of buildings to the Fed-

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eral Government, if the Secretary determines that waiver of that section would be in the best interests of the Federal Government.

(6) Section 2 of the Act of March 3, 1933 (known as the "Buy American Act" 41 U.S.C. 10(a)), which requires that, subject to limited exceptions, U.S. articles be acquired for public use.

(7) Section 501 of title 44, United States Code, which requires that all government printing, with limited exceptions, be done by the Government Printing Office.

(8) Section 3702 of title 44, United States Code, which prohibits advertisements by executive departments without written authority of the head of the department.

(9) Section 3703 of title 44, United States Code, which established requirements for rates of payment for advertisements for government departments.

SECTION 13—REGULATION

Section 13 provides that the Secretary may issue such regulations as may be necessary to carry out this act.

SECTION 14—AUTHORIZATION OF FUNDS

Section 14 authorizes the appropriation of $10 million to carry out this act, which amounts may remain available until expended.

SECTION 15—EFFECTIVE DATE

Section 15 provides that this act shall take effect upon its enactment, except that in accordance with provisions of the Budget Act relating to entitlements, section 2(b)(2) and the second sentence of section 4 shall become effective on October 1, 1982.

SECTION 16—IMPROVEMENTS IN FEDERAL PROCEDURES FOR INTERNATIONAL EXPOSITIONS

Section 16 essentially incorporates all of S. 1482. It basically amends Public Law 91–269 as follows:

The Administrator of General Services is required to determine at the outset the federally endorsed need for a permanent structure at the exposition site.

When a future federally endorsed need has been identified, the Secretary of Commerce, after consulting with GSA, is required to see that the pavilion is designed to meet the exposition's immediate needs and the reuse needs.

When a federally endorsed residual use has been identified, but the pavilion cannot be designed to fit both the exposition and the residual needs, a temporary structure shall be built.

The legislation defines a "temporary" structure as one having no practical reuse and destined for disposal at the conclusion of the exposition.

The Act stipulates that future legislation authorizing the construction of U.S. pavilions should also authorize funds for their conversion at the close of the exposition if a specific federally endorsed need is identified.

In adopting S. 1482 as an amendment to H.R. 6409, the Committee adopted the following modifications:

(1) The term "federally endorsed needs" was substituted for the term "Federal Government needs" wherever that term appeared. The purpose of this change is to provide greater flexibility to the Secretary of Commerce in identifying a reuse for any permanent structure constructed for an international exposition.

(2) The permanent authority for funding such projects was eliminated [section 16(c)]. This will provide the authorizing committee with the continued oversight responsibility it has traditionally exercised over this subject.

(3) A restriction [see section 16(d)(1)] was placed on the amount of money that can be spent remodeling pavilions for a federally endorsed reuse. This modification is designed to place a cap on and prevent excessive remodeling costs. It was requested by the Office of Management and Budget.

In adopting this section, the Committee takes note of the fact that it may be difficult to design a pavilion which meets both the needs of the exposition and the federally endorsed reuse needs. It is not the intent of the Committee to restrict in any way creative architectural designs for such pavilions and it urges the Administration to give appropriate weight to the needs of the exposition in designing its pavilions.

Cost Estimate

In accordance with Rule XXVI, paragraph 11(a) of the Standing Rules of the Senate, the Committee provides the following estimate of the cost of H.R. 6409, prepared by the Congressional Budget Office:

U.S. Congress,
Congressional Budget Office,
Washington, D.C., August 12, 1982.

Hon. Charles H. Percy,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, D.C.

Dear Mr. Chairman: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for H.R. 6409, a bill to provide for the participation of the United States in the 1984 World Exposition to be held in New Orleans, Louisiana, and for other purposes, as ordered reported by the Senate Committee on Foreign Relations on August 10, 1982.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

Alice M. Rivlin, *Director.*

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

1. Bill number: H.R. 6409.

2. Bill title: A bill to provide for the participation of the United States in the 1984 World Exposition to be held in New Orleans, Louisiana, and for other purposes.

3. Bill status: As ordered reported by the Senate Committee on Foreign Relations on August 10, 1982.

4. Bill purpose: This legislation authorizes the President to provide for United States participation in the proposed 1984 Louisiana World Exposition, and authorizes the appropriation of $10 million for such participation.

5. Cost estimate:

Budget function 370

	Millions
Authorization amount:	
Fiscal year:	
1982	$10
1983	-----
1984	-----
1985	-----
1986	-----
Estimated outlays:	
Fiscal year:	
1982	(1)
1983	3
1984	6
1985	1
1986	-----

[1] Less than $0.5 million.

6. Basis of estimate: The estimate assumes enactment of this legislation and subsequent appropriation of the authorized amounts in a supplementary appropriation act by August 31, 1982. Outlays were estimated from an obligations schedule provided by the Department of Commerce.

7. Estimate comparison: None.

8. Previous CBO estimate: This estimate is the same as the July 16, 1982 cost estimate for the bill as reported by the House Foreign Affairs Committee.

9. Estimate prepared by: Joseph C. Whitehill.

10. Estimate approved by:

C. G. Nuckols
(For James L. Blum,
Assistant Director for Budget Analysis).

Evaluation of Regulatory Impact

In accordance with Rule XXVI, paragraph 11(b) of the Standing Rules of the Senate, the Committee has concluded that there is no regulatory impact from S. 2675.

Changes in Existing Law

In compliance with paragraph 11 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

22 U.S.C. 2803

§ 2803. Congressional authorization for federal participation; proposals

[The] (*a*) *The* Federal Government may participate in an international exposition proposed to be held in the United States only upon the authorization of the Congress. If the President finds that Federal participation is in the national interest, he shall transmit to the Congress his proposal for such participation, which proposal shall include—

[(a)] (*1*) evidence that the international exposition has met the criteria for Federal recognition and, pursuant to section 2802 of this title, it has been so recognized;

[(b)] (*2*) a statement that the international exposition has been registered by the BIE; and

[(c)] (*3*) a plan prepared by the Secretary of Commerce in cooperation with other interested departments and agencies of the Federal Government for Federal participation in the exposition. [In developing such a plan, the Secretary shall give due consideration to whether or not the plan should include the construction of a Federal pavilion and, if so, whether or not the Government would have need for a permanent structure in the area of the exposition. In the event such need is established, the Secretary may include in his plan a recommendation that, as a condition of participation, the Government should be deeded a satisfactory site for the Federal pavilion, in fee simple and free of liens or other encumbrances. The Secretary shall seek the advice of the Administrator of the General Services Administration to the extent necessary in carrying out the provisions of this subsection.] *The Secretary of Commerce shall include in such plan any documentation described in subsection (b)(1)(A) of this section, a rendering of any design described in subsection (b)(1)(B) of this section, and any recommendation based on the determination under subsection (b)(1)(C) of this section.*

(b)(1) In developing a plan under subsection (a)(3) of this section the Secretary of Commerce shall consider whether the plan should include the construction of a Federal pavilion. If the Secretary of Commerce determines that a Federal pavilion should be constructed, he shall request the Administrator of General Services (hereafter in this section referred to as the "Administrator") to determine, in consultation with such Secretary, whether there is a federally endorsed need for a permanent structure in the area of the exposition. If the Administrator determines that any such need exists—

(A) the Administrator shall fully document such determination, including the identification of the need, and shall transmit such documentation to the Secretary of Commerce;

(B) the Secretary of Commerce, in consultation with the Administrator, shall design a pavilion which satisfies the federally endorsed needs for—

(i) participation in the exposition; and

(ii) permanent use of such pavilion after the termination of participation in the exposition; and

(C) the Secretary of Commerce shall determine whether the Federal Government should be deeded a satisfactory site for

the Federal pavilion in fee simple, free of all liens and encumbrances, as a condition of participation in the exposition.

(2) Notwithstanding paragraph (1)(B) of this subsection, if the Secretary of Commerce, in consultation with the Administrator determines that no design of a Federal pavilion will satisfy both needs described in paragraph (1)(B) of this subsection, the Secretary shall design a temporary Federal pavilion.

(c) The enactment of a specific authorization of appropriations shall be required—

(1) to construct a Federal pavilion in accordance with the plan prepared pursuant to subsection (a)(3) of this section;

(2) if the Federal pavilion is not temporary, to modify such Federal pavilion after termination of participation in the exposition if modification is necessary to adapt such pavilion for use by the Federal Government to satisfy a need described in subsection (b)(1)(B)(ii) of this section; and

(3) if the Federal pavilion is temporary, to dismantle, demolish, or otherwise dispose of such Federal pavilion after termination of Federal participation in the exposition.

(d) For the purposes of this section—

(1) a Federal pavilion shall be considered to satisfy both needs described in subsection (b)(1)(B) of this section if the Federal pavilion which satisfies the needs described in paragraph (1)(B)(i) of such subsection can be modified after completion of the exposition to satisfy the needs described in paragraph (1)(B)(ii) of such subsection, provided that such modification shall cost no more than the expense of demolition, dismantling, or other disposal or if the cost is higher, it shall be no more than 50 percent of the original cost of the construction of the pavilion; and

(2) a Federal pavilion is temporary if the Federal pavilion is designed to satisfy the minimum needs of the Federal Government described in subsection (b)(1)(B)(i) of this section and is intended for disposal by the Federal Government after the termination of participation in the exposition.

APPENDIX

FEDERAL PARTICIPATION IN INTERNATIONAL EXPOSITIONS (S. 1482), TUESDAY, JUNE 29, 1982

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C.

The committee met, pursuant to notice, at 2:05 p.m., in room 4221, Dirksen Senate Office Building, the Hon. Charles McC. Mathias, presiding.

Present: Senator Mathias.

Senator MATHIAS. The committee will come to order.

Today the Foreign Relations Committee will be seeking testimony on Senate bill 1482, a bill designed to strengthen the law governing federal participation in international expositions.

Inasmuch as I have just introduced a bill calling for planning to begin for the Quincentennial of the Voyages of Columbus, I have a personal, as well as an official interest in this subject.

Over the years the Federal Government has invested over $40 million in the construction of various pavilions and buildings for international expositions which were passed on to local governments at little or no cost. This practice has been criticized by various Members of Congress and by people in the general public as promoting backdoor urban renewal projects.

The purpose of Senate bill 1482 is to create new procedures for governing the residual use of buildings constructed for international expositions.

Let me say that I hope we can have some very fine buildings at the Columbian Quincentennial Exposition. That ought to be an event which attracts the maximum amount of support from the U.S. Government and from the Governments of Italy, Spain, and all of our Latin American neighbors, and all of the people whose lives have been touched in some way by the voyage of Columbus.

So this is a timely piece of legislation. It is the direct of recommendations made by the General Accounting Office which issued reports in 1976 and 1981. It is the intent of this bill to reduce unnecessary expenditures of Federal funds and to maximize the Federal residual use of United States pavilions and buildings constructed for use during international expositions.

[Text of S. 1482 follows:]

A BILL To amend certain provisions of the Act of May 27, 1970, to provide a procedure for determining whether a plan for the Federal Government to participate in an international exposition should include construction of a Federal pavilion, whether such Federal pavilion should be a permanent structure, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act of May 27, 1970 (84 Stat. 272; 22 U.S.C. 2803), is amended by—

(1) striking out "The" and inserting in lieu thereof "(a) The";

(2) redesignating clauses (a), (b), and (c) as clauses (1), (2), and (3), respectively;

(3) striking out all after the period where it first appears in clause (3) as redesignated in clause (2) of this Act and inserting in lieu thereof the following: "The Secretary of Commerce shall include in such plan any documentation described in subsection (b) (1) (A) of this section, a rendering of any design described in subsection (b) (1) (B) of this section and any recommendation based on the determination under subsection (b) (1) (C) of this section."; and

(4) by adding at the end thereof the following new subsections:

"(b) (1) In developing a plan under subsection (a) (3) of this section the Secretary of Commerce shall consider whether the plan should include the construction of a Federal pavilion. If the Secretary of Commerce determines that a Federal pavilion should be constructed, he shall request the Administrator of General Services (hereafter in this section referred to as the 'Administrator') to determine, in consultation with such Secretary, whether the Federal Government needs a permanent structure in the area of the exposition. If the Administrator determines that any such need exists—

"(A) the Administrator shall fully document such determination, including the identification of the need, and shall transmit such documentation to the Secretary of Commerce;

"(B) the Secretary of Commerce, in consultation with the Administrator, shall design a pavilion which satisfies the needs of the Federal Government for—

"(i) participation in the exposition; and

"(ii) permanent use of such pavilion after the termination of participation in the exposition; and

"(C) the Secretary of Commerce shall determine whether the Federal Government should be deeded a satisfactory site for the Federal pavilion in fee simple, free of all liens and encumbrances, as a condition of participation in the exposition.

"(2) Notwithstanding paragraph (1) (B) of this subsection, if the Secretary of Commerce, in consultation with the Administrator determines that no design of a Federal pavilion will satisfy both needs described in paragraph (1) (B) of

this subsection, the Secretary shall design a temporary Federal pavilion.

"(c) Upon authorization of the Congress approving the participation and the proposal submitted under subsection (a) of this section, there shall be authorized to be appropriated such sums as may be necessary—

"(1) to construct a Federal pavilion in accordance with the plan prepared pursuant to subsection (a)(3) of this section;

"(2) if the Federal pavilion is not temporary, to modify such Federal pavilion after termination of participation in the exposition if modification is necessary to adapt such pavilion for use by the Federal Government to satisfy a need described in subsection (b)(1)(B)(ii) of this section; and

"(3) if the Federal pavilion is temporary, to dismantle, demolish, or otherwise dispose of such Federal pavilion after termination of Federal participation in the exposition.

"(d) For the purposes of this section—

"(1) a Federal pavilion shall be considered to satisfy both needs described in subsection (b)(1)(B) of this section if the Federal pavilion which satisfies the needs described in paragraph (1)(B)(i) of such subsection can be modified after completion of the exposition to satisfy the needs described in paragraph (1)(B)(ii) of such subsection; and

"(2) a Federal pavilion is temporary if the Federal pavilion is designed to satisfy the minimum needs of the Federal Government described in subsection (b)(1)(B)(i) of this section and is intended for disposal by the Federal Government after the termination of participation in the exposition.".

Mr. MATHIAS. Our first witness is Mr. George Pratt, Director of the International Expositions Staff at the Department of Commerce.

Mr. Pratt, before you testify, let me place in the record a statement from the distinguished Senator from South Carolina, Mr. Hollings, who was Chairman of the State, Justice, Commerce Appropriations Subcommittee in 1980 at which time he asked the General Accounting Office to look into this subject.

So, without objection, Senator Hollings statement will be included in the record.

[Senator Hollings' prepared statement follows:]

PREPARED STATEMENT OF HON. ERNEST F. HOLLINGS, A U.S. SENATOR FROM SOUTH CAROLINA

Mr. Chairman, in 1980 when I was Chairman of the State, Justice, Commerce Appropriations Subcommittee, I asked the General Accounting Office to look into the financial management of the Knoxville International Energy Exposition, or Expo '82 which is now known as the 1982 World's Fair.

I was prompted to request this investigation because of allegations concerning contracts involving Federal funds.

On March 20, 1981, the GAO submitted their report 81–11 which indicated that sufficient controls were established to prevent exorbitant profits from being realized by the developers and contractors in connection with the World's Fair. However, the GAO also made a series of recommendations to the Congress that will avoid unnecessary expenditures and maximize residual use of United States pavilions constructed as part of such expositions in the future. On July 14, 1981, Senator Weicker and I introduced S. 1482 which will carry out GAO's recommendations. I appreciate your holding this hearing on our bill.

As the Senators will recall, I opposed the Federal participation in Expo '82. While the resuscitation efforts by the Reagan Administration have apparently produced a viable program in Knoxville, the events over the last several years are a case study of what is wrong with the current law governing U.S. participation in international expositions.

When we first got into this project, it was evident that a key purpose of the Fair was to redevelop a railroad yard adjacent to Knoxville's downtown business district as a site for new office buildings, hotels and civic buildings. The involvement of one prominent Tennessee banker was particularly evident to the point that Federal participation would not have been authorized except for his associations with the Carter Administration. Senator Weicker and I were both concerned that this Fair had no real purpose, inasmuch as it was called an international energy exposition, an area that America has precious little to exhibit.

Even if there was a better theme, it is disturbing that these international expositions were becoming scantily disguised efforts to redevelop rundown areas with massive infusions of Federal funds under the name of a World's Fair. In this particular case, GAO established that the total Federal investment was more than $44,000,000 of which $21,000,000 is associated with the Federal Pavilion, and the remaining $23,000,000 composed of an assortment of grants from the Departments of Housing and Urban Development, Commerce, Energy, Interior, as well as the Appalachian Regional Commission for various improvements and construction of buildings at the Fair site. GSA reported total Fair funding at $177,000,000, and the remaining $133,000,000 consists of less than $15,000,000 in developers' equity and survey funds. The bulk of the non-Federal funds is city and industrial bonds, as well as $45,000,000 in loans by national and Knoxville banks.

Mr. Chairman, not only was Expo '82 premised on the wrong theme and shakey financing, but to this day no afteruse of the $12,300,000 Federal pavilion has been established. As the GAO report clearly shows, there was little cooperation between the Department of Commerce and the General Services Administration in the development of this project. GSA had determined that the Federal Government had a definite

need for 100,000 square feet of office space in Knoxville. Due to the lack of cooperation from Commerce—which apparently was hell-bent on giving the building to the University of Tennessee—GSA gave up in trying to get the pavilion designed for Federal after-use and decided to convert the former Post Office and Court House Building and several historic buildings in downtown Knoxville to satisfy the Federal space requirements. The University of Tennessee now has no plans for the building—which the Department of Energy said was not even energy efficient in itself—and GSA has no use for it, so it is being sought as an arts center.

Since 1962 there have been five World's Fairs, of which three have been held in the United States, excluding the Hemis Fair at San Antonio in 1968 which apparently was not designated as a World's Fair even though our involvement amounted to $6,800,000.

As the Committee will recall, the Federal Government wound up paying $530,000,000 to demolish the $10,400,000 Federal building constructed for the 1964 New York World's Fair when no one would take it off the Government's hands. Hopefully, we won't have to repeat that tragic event in Knoxville, but we apparently have reached the point of straining to find an after-use for the building.

Mr. Chairman, I know of your interest in the arts, as well as Senator Pell's. We are all interested in the arts; in fact, last year I worked on the Appropriations Committee to restore the funding of the National Endowment for the Arts. We will all be working to sustain the arts, humanities, and museums again this year, but hopefully the Federal Government will realize a greater return on the $12,300,000 we invested in the Knoxville Pavilion than to merely give it away.

As the Knoxville situation so clearly demonstrates, it is imperative that before we become involved in another World's Fair, we must strengthen the laws governing our participation to insure that a permanent facility is absolutely required and that the residual use of the facility is clearly documented.

Mr. Chairman, as you may know, we are going to be into another World's Fair quicker than you might expect, for on April 17, 1981, President Reagan authorized the U.S. participation in the 1984 Louisiana World Exposition in New Orleans. The Federal participation in this World's Fair is to be limited to $10,000,000. That limitation has led Louisiana officials to offer a building at no cost to the Government so our work has not been in vain but Congress should review and develop a more comprehensive policy than now governs our participation in such events.

Under current rules and regulations that the U.S. can host a World's Fair every two years if it so desires. There are those who believe that frequently holding such events in the United States can be an important part of the Government's trade promotion activities. Congress may eventually share that judgment, but at the moment Congress has not been involved in any such decision instead of reacting to ad hoc

proposals every couple of years. The Secretary of Commerce will soon be transmitting the legislation authorizing U.S. participation in the 1984 Louisiana World Exposition, and I urge the Committee on Foreign Relations to use that opportunity to carefully develop a rational policy for Federal participation in these events.

Mr. Chairman, at the minimum I believe that the Congress should amend Public Law 91–269 which presently governs U.S. participation in international expositions along the lines recommended in the GAO report of March 20, 1981 that are the basis of S. 1482. The GAO witnesses can elaborate on them further, but they require full documentation by the Secretary of Commerce, as well as the Administrator of the General Services Administration, that a permanent structure is required for the U.S. pavillion. Furthermore, these amendments would insure that the residual needs of the Government are met in the design of the pavillion, and that the appropriation for the construction of the building includes funds necessary to convert the pavillion to the identified Federal need.

Senator MATHIAS. Mr. Pratt, we are very happy to have you here today and we will be glad to have whatever statement you wish to make.

STATEMENT OF GEORGE PRATT, DIRECTOR, INTERNATIONAL EXPOSITION STAFF, DEPARTMENT OF COMMERCE

Mr. PRATT. Thank you very much, Mr. Chairman.

I want to thank you for this opportunity to present the views of the administration on S. 1482 which would amend certain provisions of the Act of May 27, 1970, to provide a procedure for determining whether a plan for the Federal Government to participate in an international exposition should include construction of a Federal pavilion and whether or not such a pavilion should be a permanent structure.

The permanency of an exhibition building has been and continues to be a thorny problem for exposition planners. General legislative guidance in this regard would therefore be welcomed. As it is drafted, however, S. 1482 gives us some difficulty. I will address our reservations with the bill later in my testimony.

The introduction of S. 1482 was fortunate I think for the Administration because it focused attention on the entirety of Public Law 91–269 as a guideline for exposition management. We now have an operational experience under the provisions of this law covering two expositions, the 1974 Spokane World Exposition on the Environment and the current Knoxville International Energy Exposition. Our experience at both has led us to conclude that Public Law 91–269 is in need of major revision.

Our difficulties are due primarily to the act's failure to address the problems of roll definition in an undertaking requiring participation and cooperation of the Congress, the President, Secretaries of Commerce and State, the Bureau of International Expositions [BIE] in Paris, private organizers of fairs and State and local governments.

One of the problems arising from this necessary but sometimes conflicting interaction stems from the two-step process leading to Federal participation in an international exposition.

The first step is formal recognition by the President followed by registration with the Bureau of International Expositions under the Paris Convention of 1928 as amended and the extension to foreign governments of invitations to participate.

The second step is in the authorization by Congress for the United States to participate in the fair and the appropriation of monies for that purpose.

Our experience has shown that recognition of an exposition by the President conveys the impression to the organizers and potential foreign participants at a time when the fair is in its development stages that the Federal Government not only supports but will participate in the fair.

Once this basis for reliance has been created and the organizers and foreign participants have acted, Congress is faced with considerable pressure to authorize Federal participation when subsequently requested to do so by the President. For this reason the Department recommends that any amendment to Public Law 91–269 include a provision that the Department of Commerce be provided with the views of Congress on recognition and Federal participation before Presidential consideration of these matters.

Under present law if the President determines that it is in the national interest for the Federal Government to participate in a fair, he transmits his proposal for participation to Congress requesting legislation authorizing participation by the United States. It is this authorizing legislation which provides, in compliance with the Paris Convention of 1928 as amended, for the appointment by the President with the advice and consent of the Senate of a Commissioner General for the fair and for the appointment by the Secretary of Commerce of a Commissioner General of Section or of the pavilion, if you please.

The Paris Convention states that a Commissioner General shall be appointed by the inviting government "to represent it for all purposes of this convention and in all matters concerning the exposition, and that Commissioner General of Section shall be appointed" who shall be responsible for organization of his national display. Neither the convention nor the authorizing legislation for the Spokane or Knoxville fairs delineates, except in the broadest of terms, the duties of these two positions.

This situation is further complicated by the fact that expositions held in the United States are organized and funded primarily by private individuals and organizations, while national governments play a dominant role in other countries.

The respective roles of the Commissioner General and the Commissioner General of Section must be defined not only as they relate to each other but also as they relate to the role of the private organizers. The only place such delineation has been attempted in the past has been in the regulations issued for each fair and, in the case of Knoxville, in a written agreement defining the respective duties of the Commissioner General and the organizer.

It is our opinion that the definition of these varying roles should not be developed on an ad hoc basis, but rather Congress should es-

tablish minimal statutory guidelines delimiting the bounds of authority attending the respective positions. These general statutory guidelines would be further refined by implementing regulations to be issued by the Department of Commerce setting forth in detail the responsibilities of the principal participants.

There exists a number of other problems that Public Law 91–269 fails to address which in combination serve to frustrate efficient operation of international expositions in this country.

One issue which continually plagues organizers of fairs is the matter of the official status of foreign participants, the privileges and immunities that accompany such status, if any, and the effect of State and local laws on the importation of goods from foreign countries for representational purposes and the convenience of foreign participants. No statute or international convention furnishes determinative guidance on these matters.

There is also the question of when to appoint a Commissioner General for fairs held in the United States. At present he is not appointed until Congress authorizes Federal participation by which time many of the critical issues have been decided, particularly those relating to foreign participation.

Another concern is the need to clarify the requirement that an environmental impact statement be paid for by the organizers of the fairs held in this country.

Mr. Chairman, I believe that you will agree that these issues are of sufficient importance to warrant further study by this committee, and we at the Department of Commerce would be pleased to work closely with you in drafting appropriate language to correct the deficiencies that I have outlined.

As for our specific remarks on S. 1482, we have had 12 years experience operating under Public Law 91–269, and the permanency of exhibition buildings has been and continues to be a difficult issue.

In Spokane from the outset a temporary structure was contemplated because of financial and time constraints. At the completion of the exposition, however, abortive attempts were made to obtain funds to convert the structure to a permanent pavilion.

For Knoxville is was decided that a permanent building was in the national interest at a cost of $12.4 million, not including the cost of temporary exhibitry and administrative expenses. Unfortunately, a post exhibition residual use was not identified before beginning construction on the building. We therefore are working closely with the General Services Administration to dispose of the building as soon after the close of the exposition as possible. Considerable staff time and money will be expended in this effort.

The upcoming 1984 Louisiana World Exposition presents a unique situation. The New Orleans organizers have offered the Federal Government the use of an 87,000 foot exhibition structure rent free. Construction will soon begin on this building which was originally conceived as a temporary facility.

You should be aware, however, that the New Orleans organizers and members of the Louisiana Congressional Delegation have petitioned the House Foreign Affairs Committee for $5 million in Federal loan guarantees to upgrade or convert the U.S. pavilion from a temporary to a permanent structure with residual use.

For the proposed Chicago exposition in 1992, and that would be their second Columbian exposition that they have hosted there—they did one a hundred years ago——

Senator MATHIAS. That is not firm now, it is?

Mr. PRATT. Sir?

Senator MATHIAS. Is that firm?

Mr. PRATT. The date has been requested, yes, sir. We had to get the date reservation at the BIE last week in Paris before——

Senator MATHIAS. I mean I have no objection to Chicago, except this is a very early stage in that process.

Mr. PRATT. They will be prepared by the 1st of September, Mr. Chairman, to make application for Presidential recognition under Public Law 91–269.

Senator MATHIAS. I had better get my quincentennial bill moving along then. I just spoke this morning to the Chairman of the House Judiciary Committee about moving it through the House expeditiously.

Mr. PRATT. Yes, sir. Well, since I don't know what is in your bill, I can't comment on it.

Senator MATHIAS. You will know very shortly what is in it and I will see that you get a copy of it.

Mr. PRATT. I would appreciate that very much.

Senator MATHIAS. I introduced it several weeks ago.

Mr. PRATT. I see. I don't know why those events couldn't be complementary.

Senator MATHIAS. Well, it is all going to be in Chicago and surely the first Columbian exposition there was a great success. There is no reason why they can't double up on it.

Mr. PRATT. Right.

Senator MATHIAS. But I think it ought to be done. This is going to be of such importance, not only to the people who are immediately involved, but the whole hemisphere.

Mr. PRATT. Yes, sir. The approach that is being taken by the Chicago organizers, Mr. Chairman, is "the Americas," I mean, the whole new world and the significance of that.

Senator MATHIAS. Well, if you are in touch with them, I would appreciate your suggesting that they give me a call so that we can coordinate our activities.

Mr. PRATT. Yes, sir. You will get one tomorrow.

For the proposed Chicago exposition in 1992 a temporary building is planned. When the exposition concludes the organizers expect to convert the fair site into parks and marinas. Since Chicago will be a universal class rather than a so-called special category fair, like Spokane, Knoxville and New Orleans, it is too early to speculate whether or not construction of the Federal pavilion will represent special problems.

Legislative guidance is clearly needed and we cannot but endorse the intent of the legislation before this committee. S. 1482, however, employs some terms or concepts that we think are difficult to apply.

Specifically the first problem arises from the bill's requirement that a so-called temporary pavilion be constructed if the need for both exposition purposes and Federal residual use cannot be met by the same structure. Temporary is defined as a design which meets the minimum

needs for purposes of the exposition and is intended for disposal after the fair.

The bill does not set out the factors to be considered in determining whether the so-called minimum needs for the exposition purposes have been met, and there are many factors in addition to cost that should be considered in deciding whether to build a pavilion and, if so, whether it will be of permanent or temporary design.

For example, the theme of the fair, the type of exhibits used, national prestige and the message our government wishes to send the rest of the world are all important. However, as is evident from these examples, the factors for consideration are of such a nature that they are subject to change, depending upon the economic, political and social tenor of the times, as well as the state of the art in building technology. For this reason we suggest they not be rendered inflexible by incorporation in a statute, but rather that they be left for definition by amendment of the Department's regulations.

Furthermore, by limiting the decision of so-called permanent versus temporary to only two criteria, that is fair purposes and federal residual use, other valid public uses after the fair cannot be considered. Thus, even though a pavilion could not be designed to meet the needs for Federal residual use, it might conceivably be put to excellent use by State, local, community or some local public service organization.

The possibility of such non-Federal residual use is precluded altogether by S. 1482. We believe that this limitation might hinder the deliberative process and in the long run frustrate the purposes sought to be accomplished by S. 1482.

Mr. Chairman, this concludes my testimony and I would be happy to answer the committee's questions.

In closing I would just like to reiterate our firm belief that rather than amending only one aspect of Public Law 91–269, which is the objective of S. 1482, the time is right to address all of the deficiencies in the law and we look forward to working closely with your staff in that process.

Senator MATHIAS. Thank you, Mr. Pratt, and thank you for that offer of cooperation which the committee will accept with appreciation. I think we want to develop a rational legal approach.

Let me just ask you a few questions. In Norfolk, Virginia, at the United States naval base, some of the most handsome and desirable quarters for officers that exist anywhere in the world are the quarters that are occupied by the Navy which originally were buildings at the Jamestown Exposition of 1907, the tricentennial of the founding of Jamestown.

These are buildings that have been used as residences by naval officers for 75 years. Would that kind of use be encouraged or discouraged by this legislation?

Mr. PRATT. I think it would be encouraged, Senator. It wouldn't be discouraged, but it wouldn't be mandated. The Jamestown exposition used exhibitry and that sort of thing that was designed, as I am informed, as sort of a live lesson in history and a great deal of what was being exhibited was sort of the colonial state of the art in building and the lifestyle of the time. History was what was being exhibited there.

It is sometimes more difficult to have an envelope, if you please, that is designed to display, if not history, then something that can be as

esoteric and as complex an energy as we are trying to do at Knoxville.

Senator MATHIAS. Let's take another example. In Golden Gate Park there is a pavilion that was left from the Golden Gate Exposition. I presume the title to that pavilion is held either by the City of San Francisco or by the State of California, I don't know which. It is not in the Federal park area.

Mr. PRATT. Yes, sir.

Senator MATHIAS. You are familiar with the building?

Mr. PRATT. Yes, sir. S. 1482 would absolutely preclude that, Senator.

Senator MATHIAS. That building has been useful and desirable for the people who have lived in San Francisco and the people like myself who have visited San Francisco.

Mr. PRATT. If those nice people had been operating under Public Law 91–269 as amended by S. 1482, they would not have had the option of doing that because, you see, if they had said that we can't find something for which there is a Federal residual use and it is useful to their exhibition, then it will have to be temporary and we will have to tear it down. That wouldn't be there and it would have been torn down a long time ago. I am just saying that we shouldn't foreclose that possibility.

Senator MATHIAS. I think it could have an adverse effect, too, because if you have a desirable building, one that has caught the public imagination and that you are going to get some protest if you tear down, then the only alternative if you preclude local use is for the Federal Government to continue the maintenance and operation of it in perpetuity.

Mr. PRATT. Right.

Senator MATHIAS. So you could actually be increasing the Federal cost rather than decreasing it.

Mr. PRATT. That is correct. You would have a white elephant on your hands.

Senator MATHIAS. What kind of a ball-park figure can you give the committee as to the total investment in expositions in the last century? Let's start with the Columbian Exposition. Of course, I suppose the first great one was the Philadelphia Centennial Exposition of 1876.

Mr. PRATT. In the United States, yes, sir.

Senator MATHIAS. Yes, I am thinking of in the United States.

Mr. PRATT. A great deal of that exhibitry is down in the history of science and technology and is a superior snapshot of where the United States was. I am in the Department of Commerce and that was some time before the Department of Commerce was formed. But for the first time the world came and found that the United States had something to trade besides cotton and tobacco and it really did enter the world as a real participating partner in the trading nations. In answer to your previous question, Mr. Chairman, I have that in my office.

Senator MATHIAS. Could you supply it to the committee? I don't want you to go through a lot of work, but just give us a ball-park figure of what the total national investment in these expositions has been. And if you have the figures, while you are doing it you might tell us what we have invested in construction, over and above our general contribution to expositions what we have invested in construction in permanent and in temporary buildings for the expositions.

Mr. PRATT. All right, sir.
[The information referred to follows:]

U.S. DEPARTMENT OF COMMERCE,
INTERNATIONAL TRADE ADMINISTRATION,
Washington, D.C., July 9, 1982.

Hon. CHARLES McC. MATHIAS, JR.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MATHIAS: Thank you for the opportunity to testify before you and the Senate Foreign Relations Committee on behalf of the Administration's position on S. 1482.

During questioning, there were two facts I was not able to provide. You asked for the total of Federal participation funds to date for expositions held in the United States. You also requested evidence that the funding differences in participation between permanent and temporary pavilion construction is not one of orders of magnitude.

First, review of materials in our files reveals that funds of $101.4 million (dollars current to year of expenditure) have been expended for Federal participation in expositions in the United States since 1876.

Second, the state-of-the-art of permanent vs. temporary construction is neither steel-reinforced brick nor tent. Innovations (such as curtain-wall stressed construction for permanent pavilions and air conditioning for temporaries) have lowered the cost of permanent construction and raised the cost of temporary construction. Also, a temporary structure requires funding for removal and site work. Our research indicates that a temporary pavilion structure costs approximately 90 percent of a permanent pavilion structure. When the difference in construction cost is considered as a portion of an overall participation appropriation, the difference between permanent and temporary drops to approximately 5 percent of the total budget.

Thank you for the opportunity to include the above as part of the testimony. If I can be of further help, please call me at 377–4601.

Sincerely,

GEORGE L. B. PRATT,
Director, International Expositions Staff.

Senator MATHIAS. The GAO report points out that allegations have been made about the selection of and the contracting by private developers for the construction of permanent facilities in previous expositions. Would this legislation require competitive building for construction of permanent buildings and, if not, should there be a competitive building requirement added?

Mr. PRATT. The legislation would clarify it, Senator. The GAO report was critical of something. I was not in my position at the time, but in the history of it I understand was a set of circumstances that had to do with short time lines that required going to a construction management kind of mode of operation. GSA opted out of the process on March the 20th, 1979. A World's Fair may be pretty close to being unique, Mr. Chairman, in that when you have had the Congress and the President invite the nations of the world to come to your party and it is going to open on a certain date, it has to open on a certain

date, and continuations and overruns and that sort of thing just can't be done.

I think it was a whole set of circumstances, and that is overgeneralizing but it is true nonetheless, there is a set of circumstances that caused that criticism. We don't anticipate that will ever be the case again.

Senator MATHIAS. While you are at your books you might look at one more thing for us, if you can draw any conclusions as to the cost differential between a permanent and a temporary building. I suppose the nature of the building, the purpose of it, would have some effect on that and you may not be able to draw any general conclusions, but it does seem to me that it might be useful.

Mr. PRATT. Mr. Chairman, I can comment on that in general terms, although I can't give you percentages and dollars and square foot breakouts. Our experience in this business, sir, is that there is very much less difference in what GAO and GSA call temporary and what they call permanent for purposes of an international exhibition. In Knoxville we are running 4,000 people an hour through there. There are such things as loading aspects.

Senator MATHIAS. What was your projection, just for fun?

Mr. PRATT. Sir?

Senator MATHIAS. What was your projection?

Mr. PRATT. Four thousand people an hour. It is running at capacity.

Senator MATHIAS. So you are right on the button.

Mr. PRATT. If we could run 6,000 an hour we would. We can put but 48,000 people a day through whether there are 50,000 people that come in the fair or there are 100,000 people that come in the fair.

Senator MATHIAS. 48,000 is your absolute maximum?

Mr. PRATT. Yes, sir.

Senator MATHIAS. And you are at your maximum?

Mr. PRATT. Yes, sir, every day, and we will be for the duration of the fair. The attendance has been very outstanding there.

Back to my other point, there are building codes, loading considerations, there are climate control considerations and there are extremes of weather considerations, whether you have got to figure on heavy snowfall loading factors in the Chicago area or if you have got to consider hurricanes in the Miami area or tornadoes somewhere else.

But these factors, while it is easy to say and dismiss this, the assumption is that somehow or another temporary is more economical by several orders of magnitude than permanent is and it just doesn't work out that way. That is why we are suggesting the regulation and guideline procedure which makes it rational. It requires that you have to document to the Congress that these things have been taken into consideration and I think we get more rational decision-making that way and we don't just de facto rule out the Golden Gate Park scenario.

Senator MATHIAS. It does seem to me that some degree of flexibility may be desirable because you may not perceive the need.

Mr. PRATT. Yes, sir.

Senator MATHIAS. Here we are discussing something which will occur somewhere, maybe Chicago and maybe some other place, in 1992. That is a long time off. It is hard to conceive of the character of

the buildings as they will be used in 1992 and therefore even harder to conceive what might be done with them after 1992.

Mr. PRATT. In my testimony I cited the state of the art in building technology. I think it was Mr. Otis that exhibited his elevator at the Centennial Exposition in Philadelphia in 1976.

Senator MATHIAS. We will keep the record open for the rest of this week to give you an opportunity to supply those additional answers.

Mr. PRATT. Thank you very much, Mr. Chairman.

Senator MATHIAS. I have asked the staff to forward you a copy of the bill on the Columbian Quincentennial.

Mr. PRATT. I would like to have that.

Senator MATHIAS. We would appreciate your cooperation on that.

Mr. PRATT. Thank you, sir, and if I might I would like very much to have a copy of Senator Hollings testimony for the record.

Senator MATHIAS. You may certainly have that.

Mr. PRATT. Thank you.

Senator MATHIAS. Thank you.

Our next witness is Mr. Donald J. Horan, Director of Procurement, Logistics and Readiness Division of the General Accounting Office.

Mr. Horan, it is a pleasure to see you, sir. Do you want to identify your colleagues for the record?

STATEMENT OF DONALD J. HORAN, DIRECTOR, PROCUREMENT, LOGISTICS AND READINESS DIVISION, GENERAL ACCOUNTING OFFICE, ACCOMPANIED BY PATRICK MAGUIRE, GROUP DIRECTOR, PROCUREMENT, LOGISTICS AND READINESS DIVISION, GAO, AND JACOB SPROUSE, SENIOR EVALUATOR, PROCUREMENT, LOGISTICS AND READINESS DIVISION, GAO

Mr. HORAN. Mr. Chairman, we are pleased to appear before you today to discuss GAO's audit work on the construction of pavilions for international expositions and to give our views on Senate bill S. 1482.

This bill would amend Public Law 91-269 dated May 27th, 1970, and provide a procedure for determining whether to construct a permanent or temporary Federal pavilion. It would also require that the design of a permanent pavilion meet the immediate needs of the exposition, as well as the Federal Government's reuse needs.

Section 3 of Public Law 91-269, states that the Secretary of Commerce in developing a plan for an exposition must consider whether the plan should include the construction of a Federal pavilion and, if so, whether the Government needs a permanent structure in the area of the exposition. If such a need is established, the Secretary may recommend, that as a condition of participation, the Government be deeded a satisfactory site for the Federal pavilion free of liens and with unrestricted rights of disposition.

Section 3 also provides that the Secretary of Commerce seek the advice of the Administrator of General Services to the extent necessary in carrying out these provisions. However, the law does not address the issue of constructing a less costly temporary pavilion when there are no plans for its later use by the Government.

We have issued two reports on our reviews of the construction of pavilions for international expositions, one in 1976 and the other

in 1981. In each of these reports we recommended that, to avoid unnecessary expenditures and to maximize residual use of U.S. pavilions, the Congress should amend Public Law 91–269 as follows:

The Administrator of General Services should be required to determine at the outset, the Federal Government's need for a permanent structure at the exposition site.

When a future Federal need has been identified, the Secretary of Commerce, after consulting with GSA, should see that the pavilion is designed to meet the exposition's immediate needs and the Federal Government's reuse needs.

When a Federal residual use has been identified but the pavilion cannot be designed to fit both the exposition and Federal residual needs a temporary structure should be built.

The legislation should define a "temporary" structure as one having no practical reuse and destined for disposal at the conclusion of the exposition.

The law should stipulate that future legislation authorizing the construction of U.S. pavilions should also authorize funds for their conversion at the close of the exposition, if a specific Federal need is identified.

In our June 1976 report, which covered four expositions we first pointed out that Public Law 91–269 did not give GSA a definite responsibility in planning and building U.S. pavilion facilities for future Federal use. It did not specify that consideration be given to building temporary pavilion facilities and it did not address the issue of authorizing the funds necessary to convert pavilion facilities at the close of the exposition when a residual use has been identified in the pre-exposition planning.

We also reported that finding a Federal use for the pavilions after the expositions had been a continuing problem. Federal reuse of U.S. pavilions was made in only one of the four expositions we reviewed.

Senator MATHIAS. Which one was that?

Mr. HORAN. That was the Spokane, I believe.

Mr. MAGUIRE. No, San Antonio, Texas.

Mr. HORAN. San Antonio?

Mr. MAGUIRE. Yes.

Senator MATHIAS. Well, add Jamestown to your list.

Mr. HORAN. We only reviewed——

Senator MATHIAS. I understand. Your statement was careful, of those you reviewed, but I am just saying you can add Jamestown to your list.

Mr. HORAN. In our March 1981 report we stated that the Department of Commerce was building a permanent rather than a temporary pavilion for the Knoxville Expo '82, even though there were no firm plans for its use after the exposition. We concluded that construction of the more costly permanent building was not justified and was attributable in part to weaknesses in Public Law 91–269.

Public Law 96–169 dated December 29, 1979, authorized U.S. participation in Expo '82. It also authorized the Secretary of Commerce to erect buildings and other structures that may be appropriate for U.S. participation in the exposition. In 1980 $20.8 million were appropriated to Commerce to design, build and operate a Federal pavilion at Expo '82. About $12.3 million of this amount was allocated by Commerce to the construction of the pavilion.

The Department of Commerce failed to develop an adequate residual use plan for the U.S. pavilion at Expo '82. Although a Federal need for about 100,000 square feet of office space in the Knoxville area had been identified and considered early in the planning phase, a firm Federal reuse plan for the pavilion was never developed. Commerce and the General Services Administration worked together initially to develop a reuse plan but problems were encountered and a plan was never developed.

Throughout the planning phase Commerce preferred converting the pavilion to an energy research center rather than to a future Federal office building. At the time of our review, Commerce planned to transfer the pavilion to the University of Tennessee after the exposition for use as an energy research laboratory. Although the university had expressed interest in the pavilion, it is not obligated to take it over. If the conversion costs become to high the university may not accept the structure. The Federal Government would then have a surplus building with no planned Federal reuse.

Mr. Chairman, we are pleased that S. 1482's provisions are consistent with recommendations contained in our two reports and we wholeheartedly support its enactment into law.

Mr. Chairman, this concludes my statement and my associates and I will be happy to respond to any questions you may have at this time.

Senator MATHIAS. Thank you very much, Mr. Horan. In 1976 and 1981 your two reports made five specific recommendations.

Mr. HORAN. Yes, sir.

Senator MATHIAS. Would this bill implement each of those recommendations, do you think?

Mr. HORAN. We have looked the bill over very carefully and in our opinion this would fully implement the purpose of our recommendations.

Senator MATHIAS. I think you were in the room when Mr. Pratt testified and you heard his comments with respect to competitive bidding. What would your comment be?

Mr. HORAN. As I understand it, the bill would not affect the use of competitive bidding on the construction of the pavilion. The problem that we went into in our 1981 report had to do with competitive bidding for the structures that were being constructed under the grants primarily provided by HUD I believe. Also, we stated in our 1981 report that because of insufficient leadtime, Commerce could not use competitive bidding for pavilion construction.

Mr. MAGUIRE. Yes.

Mr. HORAN. This bill would really not affect that type of construction at all.

Senator MATHIAS. The Administration has suggested that a provision be added to make clear, and I am quoting, "that the need for a suitably representational pavilion shall have priority over the future permanent use of the structure."

Now, in your opinion, would that kind of a provision frustrate the intent of the bill to direct the Secretary of Commerce to design a pavilion that will meet both the needs of the exhibition as well as the subsequent needs of the Federal Government?

Mr. HORAN. I guess our judgment is that that is an unnecessary provision in that any other type of national need that might come up

could be dealt with on a specific case-by-case basis. I don't believe, or at least we don't see any reason to think that that would frustrate the other desirable objectives of the bill though.

Senator MATHIAS. I am not sure that it may not confuse the whole picture, because to start with, I would think that the Secretary would not permit the design of anything other than a suitably representational pavilion, whatever that is.

Mr. HORAN. I would think that would be a logical thing, that you just wouldn't build either a temporary or a permanent structure that is not suitable for that particular exposition.

Senator MATHIAS. If it was going to be unsuitable for the exposition it shouldn't be built at all, temporary or permanent.

Mr. HORAN. That is right.

Senator MATHIAS. So maybe we could cover that with some legislative report language.

Mr. HORAN. Yes.

Senator MATHIAS. Fine. Well, thank you very much. We appreciate your being here.

Mr. HORAN. Thank you.

[Whereupon, at 2:55 p.m., the committee adjourned, subject to call of the Chair.]

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Calendar No. 762

97TH CONGRESS 2d Session } SENATE { REPORT No. 97-526

FOREIGN CONSULAR PROTECTION ACT

AUGUST 17, 1982.—Ordered to be printed

Mr. PERCY, from the Committee on Foreign Relations, submitted the following

REPORT

[To accompany S. 2675]

The Committee on Foreign Relations, to which was referred the bill (S. 2675) to authorize the Secretary of State to reimburse State and local governments for providing extraordinary protection with respect to foreign consular posts located in the United States outside the metropolitan area of the District of Columbia, having considered the same, reports favorably thereon with amendments and recommends that the bill (as amended) do pass.

PURPOSE

This legislation is designed primarily to meet United States obligations under the Vienna Convention on Consular Relations, the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, and other international laws and conventions. In essence the legislation would permit the Secretary of State to request extraordinary protective services specified in the proposed legislation for foreign consular personnel from state and local police jurisdictions.

BACKGROUND

On January 28, 1981, the Turkish Consul General was murdered in Los Angeles and on May 4 the Honorary Turkish Consul General in Boston was killed. This increasing level of terrorist attacks against foreign consular personnel is a matter of serious concern to the Administration. It is the goal of the State Department to provide increased protection for foreign personnel which is comparable to that provided U.S. diplomats abroad.

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Other governments, with some exceptions, are carrying out fully the obligations of the Vienna Conventions with respect to American personnel. A 1981 survey of U.S. embassies indicated that foreign governments devote approximately 3,000 work years to the protection of our diplomats.

The Federal Government has recently been directly involved in the protection of foreign consular personnel in the United States at some 1400 locations. In the past, this responsibility has been discharged entirely by the local and state governments within available resources. Their obligation is to provide equal protection of the law to all persons within their jurisdiction as stated by the Constitution. Whenever the Secretary of State has requested that they provide extraordinary protection, such as fixed guard posts of a Consulate building or residence, or bodyguard protection to a consular officer who has been specifically threatened, they have been reluctant, or refused. Local authorities consider the obligation of the Vienna Conventions to prevent any attack on the person, freedom or dignity of a diplomatic or consular officer a Federal obligation that goes beyond their law enforcement responsibilities.

The Administration considers this position to be reasonable and consistent with the historic and constitutional division of power between the Federal and State Governments. Accordingly, the Administration is requesting in cases of extraordinary need, that the Secretary of State be authorized to reimburse state and local jurisdictions for reasonable expenses in discharging certain requested protective services. It is estimated that in FY 83 approximately $6 million will be needed for this purpose.

SECTION-BY-SECTION ANALYSIS

Section 1

This Section states the Congressional intent to reaffirm the historical and constitutional policy of the Federal Government that the several states are responsible for assuring the equal protection of the law to every person within their jurisdiction. This responsibility includes foreign diplomatic and consular personnel. This Section also states that Congress recognizes that the obligations accepted by the Federal Government in the Vienna Convention on Consular Relations sometime impose a heavy burden on the several states and that there are instances of extraordinary protective need when Federal assistance to the states is appropriate. Under 3 USC 202, the Uniformed Division of the Secret Service is responsible for the protection of diplomatic premises within the metropolitan area of the District of Columbia.

Section 2

This section sets out the basic authority of the Secretary of State to request the assistance of state and local governments, other than those in the metropolitan area of the District of Columbia, in the performance of certain enumerated security functions for consular and other foreign government officials. The Secretary is authorized to request this assistance when, in his judgment, it is necessary in order to meet the obligations of the United States under the Vienna Convention on Consular Relations (21 UST 77, TIAS 6820, April 24, 1963), the Convention on the Prevention of Punishment of Crimes

Against Internationally Protected Persons, commonly known as the "New York Convention" (28 UST 1975, TIAS 8532, February 20, 1977), and any other international law or convention to which the United States is a party.

It is the expectation of the Congress, as expressed in Section 1, that state and local governments will continue to carry out this responsibility and to bear the cost of this protection. However, this Section also provides that when the Secretary of State has determined that state and local governments have an extraordinary need for financial assistance in order to carry out these responsibilities, the Secretary is authorized to reimburse those governments for reasonable expenses associated with that protection. If the state or local government cannot accede to such a request for assistance because of a lack of manpower, the Secretary is authorized, as a last resort, to procure security services notwithstanding any other provisions of law normally applicable to the acquisition of such services. This section also provides that any private security firm hired by the Secretary under this authority must be duly authorized to perform such services in the jurisdiction in question.

Section 2 also defines the type of assistance which the Secretary is authorized to request, and for which he is authorized to reimburse or procure the services of a private firm. Those are defined as (a) "fixed guard posts at any consular premises or the residences of any consular officers, and (b) "protective security details and other extraordinary functions relating to the protection of consular premises and officers." In practice this will mean two principal things: first, stationary uniformed guards outside the entrance to consular premises and the residence of any consular officials, and secondly, security details to accompany consular officials, while traveling or any other situation requiring protection. Subparagraph b also provides for protection in "other extraordinary functions relating to the protection of consular premises, officers and foreign government officials."

It is important to understand that this authority is limited to consular premises, officers and foreign government officials outside the metropolitan area of the District of Columbia. Therefore, it will not apply to missions to the United Nations. Recent attacks on Turkish consular officials in the United States demonstrate the clear need to protect such officials.

Section 3

This Section defines "consular premises," "consular officers," and "other foreign government officials" in accordance with the normally accepted definitions under international law.

Section 4

This Section authorizes the Secretary of State to issue the necessary administrative regulations to carry out the law. It is the intention of the Secretary of State to adopt regulations requiring that, prior to reimbursing state and local governments, agreement will have been reached in each case between the Department and the state and local government as to the nature of the services to be provided and as to the total cost. This will provide an effective cost control on expenditures under this authority.

Section 5

This Section states that the provisions of this Act shall not take effect until October 1, 1982. It is the intent of the Committee that the State Department shall submit an annual request for the authorization and the appropriation of funds to finance the provisions of this Act. It is expected that the Department will include this request in the Foreign Relations Authorization Act.

COMMITTEE ACTION

The Committee held a hearing on this bill on July 29, 1982, and received testimony from the following witnesses: The Honorable Robert M. Sayre, Coordinator, Security Policies & Programs, Department of State; Cdr. George Morrison, Commanding Officer of Uniformed Services, Los Angeles Police Department; Arnold Cordoba, Washington Representative, City of Los Angeles; Kenneth Conboy, Deputy Commissioner, New York City Police Department; Mrs. Gillian Sorensen, Commissioner, New York City Commission for the U.N. and for the Consular Corps; and Julian Spirer, Director, Washington Office, City of New York.

On August 10, 1982, the Committee met in public session and by a voice vote ordered S. 2675, as modified by the amendments offered by Senator Hayakawa and Senator Lugar, reported favorably to the Senate.

The purpose of Senator Hayakawa's amendment is to broaden the application of the bill to provide discretion to the Secretary of State to request extraordinary protective services from local and state law enforcement entities for any officially accredited foreign government official covered by international law or convention to which the United States is a party. It should be noted that reimbursement for such services is authorized only in those instances when the Secretary requests such services.

Senator Lugar's amendment deleted the open-ended authorization of appropriations to carry out the provisions of this Act, therefore requiring an annual authorization and appropriation.

COST ESTIMATE

In accordance with Rule XXVI, paragraph 11(a) of the Standing Rules of the Senate, the Committee provides the following estimate of the cost of S. 2675, prepared by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., August 13, 1982.

HON. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations,
U.S. Senate
Dirksen Senate Office Building,
Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for S. 2675, a bill to authorize the Secretary of State to reimburse State and local governments for providing extra-

ordinary protection with respect to foreign consular posts located in the United States outside the metropolitan area of the District of Columbia, as ordered reported by the Senate Foreign Relations Committee on August 10, 1982.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

RAYMOND C. SCHEPPACH
(For Alice M. Rivlin, Director).

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

1. Bill number: S. 2675.

2. Bill title: A bill to authorize the Secretary of State to reimburse State and local governments for providing extraordinary protection with respect to foreign consular posts located in the United States outside the metropolitan area of the District of Columbia.

3. Bill status: As ordered reported by the Senate Foreign Relations Committee on August 10, 1982.

4. Bill purpose: This legislation authorizes the Secretary of State to request the assistance of state and local governments other than those in the metropolitan area of the District of Columbia and in cases of extraordinary need to reimburse those governments or purchase security services to provide fixed guard posts at consular premises or residences of consular offices or protective security details for consular premises, officials, and other foreign government officials.

5. Cost estimate:

Budget function 150

	Millions
Estimated authorization:	
Fiscal year:	
1983	$6
1984	6
1985	7
1986	7
1987	7
Estimated outlays:	
Fiscal year:	
1983	6
1984	6
1985	7
1986	7
1987	7

6. Basis of estimate: This estimate assumes enactment of this legislation by September 30, 1982 and subsequent appropriation of the President's budget request for the activities authorized by this legislation. The use of the authority provided by this bill is left to the discretion of the Secretary of State. Estimated authorization and outlays were taken from the President's mid-session review of the 1983 budget.

7. Estimate comparison: The estimate is the same as the Administration's.

8. Previous CBO cost estimate: None.

9. Estimate prepared by: Joseph C. Whitehill.

10. Estimate approved by:

C. G. NUCKOLS
(For James L. Blum,
Assistant Director for Budget Analysis).

EVALUATION OF REGULATORY IMPACT

In accordance with Rule XXVI, paragraph 11(b) of the Standing Rules of the Senate, the Committee has concluded that there is no regulatory impact from S. 2675.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes are made by this bill.

APPENDIX

PROTECTION OF FOREIGN CONSULAR POSTS LOCATED IN THE UNITED STATES

THURSDAY, JULY 29, 1982

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C.

The committee met, pursuant to notice, at 1:55 p.m., in room 4221, Dirksen Senate Office Building, the Honorable Larry Pressler presiding.

Present: Senators Pressler, Hayakawa, and Percy.

Senator PRESSLER. The committee will now receive testimony on S. 2675, to authorize the Secretary of State to reimburse State and local governments for providing extraordinary protection with respect to foreign consular posts located in the United States outside the metropolitan area of the District of Columbia from the following witnesses:

The Honorable Robert M. Sayre, Coordinator, Security Policies and Programs with a panel consisting of Commander George Morrison, Commanding Officer of the Uniformed Services, Los Angeles; James F. Seeley, Federal Legislative Representative; Kenneth Conboy, Deputy Commissioner, New York City Police Department; Mrs. Gillian Sorensen, Commissioner; Julian Spirer, Director. I have an opening statement, but to save time I shall not read it but will summarize it later. I hope the witnesses will summarize as much as possible and submit written statements wherever possible.

[Text of S. 2675 follows:]

97TH CONGRESS
2D SESSION

S. 2675

To authorize the Secretary of State to reimburse State and local governments for providing extraordinary protection with respect to foreign consular posts located in the United States outside the metropolitan area of the District of Columbia.

IN THE SENATE OF THE UNITED STATES

JUNE 24 (legislative day, JUNE 8), 1982

Mr. PERCY (by request) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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A BILL

To authorize the Secretary of State to reimburse State and local governments for providing extraordinary protection with respect to foreign consular posts located in the United States outside the metropolitan area of the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the intent of Congress that the protection of foreign consular posts and officials located in the United States outside the metropolitan area of the District of Columbia remains the responsibility of State and local governments. But the Congress also recognizes that there are instances of ex-

traordinary protective need when Federal assistance is appropriate, and this Act will permit such assistance.

SEC. 2. Whenever the Secretary of State finds it necessary in order to meet United States obligations under the Vienna Convention on Consular Relations, the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, and any other international law or convention to which the United States is a party, he is authorized to request the assistance of State and local governments other than those in the metropolitan area of the District of Columbia in the performance of the following security functions and, in cases of extraordinary need, to reimburse those governments for reasonable expenses associated with:

(a) fixed guards posts at any consular premises or the residences of any consular officers within their jurisdiction; and

(b) protective security details and other extraordinary functions relating to protection of consular premises and officers within their jurisdiction.

In any case in which the State or local government cannot accede to such request for assistance because of a lack of manpower, the Secretary of State is authorized to procure security services notwithstanding any other provision of law of the United States normally applicable to the acquisition of

such services, provided that those performing such services are duly authorized to do so in the jurisdiction in question.

SEC. 3. For purposes of this Act—

(a) "consular premises" means the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used exclusively for the purposes of a consulate general, consulate, vice consulate, or consular agency of a foreign government within the United States;

(b) "consular officer" means any person entrusted with the exercise of consular functions within the United States and duly notified in that capacity to the Department of State.

SEC. 4. The Secretary of State may issue such regulations as he deems appropriate to carry out the purposes of this Act.

SEC. 5. In addition to funds otherwise available, there are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act for the fiscal year ending on September 30, 1982, and for each succeeding fiscal year.

Senator PRESSLER. Mr. Sayre, we welcome you very much and we look forward to hearing your comments.

STATEMENT OF HON. ROBERT M. SAYRE, DIRECTOR, OFFICE FOR POLICIES AND PROGRAMS, DEPARTMENT OF STATE, ACCOMPANIED BY GORDON HARVEY, ACTING DIRECTOR, OFFICE OF SECURITY, DEPARTMENT OF STATE

Mr. SAYRE. Thank you, Mr. Chairman. I would like to introduce Mr. Gordon Harvey who is Acting Director, Office of Security, Department of State. I have a brief statement and then I will respond to any questions you may have.

I should like to thank you for holding this hearing so promptly after the administration's proposal was submitted to the Congress. The protection of foreign consular personnel in the United States has become a serious and especially urgent matter on which we need the help of the Congress.

The increasing level of terrorist attacks against foreign consular personnel is a matter of gravest concern to this administration. The assassination of the Turkish Consul in Los Angeles on January 28th and the Honorary Turkish Consul General in Boston on May 4, make especially urgent the action by the Federal Government to provide improved protection to foreign consular personnel.

Other goverments, with some exceptions, are carrying out fully the obligations of the Vienna Conventions with respect to the United States diplomatic and consular personnel. A survey of our embassies in 1981 shows that other governments have almost 3,000 work years devoted to protection of our personnel.

Our objective should be to discharge effectively the responsibility of the U.S. Government in the same manner that we expect other governments to discharge their responsibility to us.

Within our Federal system, the Federal Government has historically relied on the several States to discharge the responsibilities which the U.S. Government accepts in receiving foreign diplomatic and consular personnel. This system has worked very well in quieter times, but the increasing level of terrorism and actual harm to foreign diplomatic and consul personnel has required the Federal Government to review the problem and consider additional steps.

In 1970, the Congress reviewed protective security for high United States and foreign officials, including the obligations of the United States under the Vienna Conventions. It decided at that time that the Federal Government should assume direct responsibility for the protection of the diplomatic corps in Washington, D.C. It assigned that responsibility to the Executive Protective Service, later to be redesignated the Uniformed Division of the Secret Service.

In 1974, it considered the security of diplomatic missions in other than the Washington, D.C. area, and established an arrangement also administered by the Department of Treasury through the Secret Service, to reimburse a local police department where 20 or more diplomatic missions are located for extraordinary protection provided for these missions. This arrangement could apply to any city where there is an international organization and which also has 20 or more

full-time missions accredited. As a practical matter, the legislation has had applicability only in New York City.

The Federal Government has not, until recently, been directly involved in the protection of foreign consular personnel in the United States at some 1,400 locations. This responsibility has been discharged entirely by the local and State governments as affectively as possible——

Senator PRESSLER. Excuse me for just a minute. I am going to have to go vote right now. This is one of the perpetual problems. I apologize. It will take me about 10 minutes to walk over there and walk back, so we will just have to hold everything. I will walk as fast as I can.

[Short recess].

Senator HAYAKAWA [presiding]. Ambassador Sayre, I understand you were in the middle of your testimony and you were interrupted. We had to go vote and save the Republic. Well, we have just done that. Would you care to continue with your testimony?

Mr. SAYRE. All right, Mr. Chairman. I will begin at the beginning of the paragraph.

Senator HAYAKAWA. All right, fine.

Mr. SAYRE. The Federal Government has not, until recently, been directly involved in the protection of foreign consular personnel in the United States at some 1,400 locations. This responsibility has been discharged entirely by the local and State governments as effectively as possible within available resources. But they have also been clear that they consider their obligation is to provide equal protection of the law to all persons within their jurisdiction, as stated by the Constitution.

Whenever the Secretary of State has requested that they provide extraordinary protection such as fixed guardposts at a consulate building or residence or dedicated bodyguard protection to a consular officer who has been specifically threatened, they have been reluctant or refused. They consider that the obligation of the Vienna Conventions to prevent any attack on the person, freedom or dignity of a diplomatic or consular officer is a Federal obligation that goes beyond their interpretation of their law enforcement responsibilities.

We consider that the position of the State and local authorities is reasonable and consistent with the historic and constitutional division of power between the Federal and State Governments. Accordingly, we recommend that when the Secretary of State requests assistance in cases of extraordinary need, as defined in the legislation, that the Secretary of State be authorized to reimburse State and local jurisdictions for reasonable expenses.

The Department of State could provide this protective authority under its general procurement authority, but that authority is cumbersome and unsuited to dealing rapidly and effectively with threat problems. We consider that new legislation is needed which would permit us to respond immediately. In addition, legislation serves the purpose of acquainting the Congress with the problem and how we intend to deal with it. Legislation would also provide congressionally-approved guidelines for the Department of State and the several States.

In summary, Mr. Chairman, we have an urgent problem in protecting foreign consular personnel because our procedures and resources are not fully adequate and responsive. We seek your assistance in filling this gap in our security procedures, so that the United States can carry out effectively and efficiently its responsibilities under the Vienna Conventions on consular relations and other international treaties and conventions.

Thank you.

Senator HAYAKAWA. Thank you very much, Mr. Ambassador. We have testimony from other witnesses which states that local government provides security and protection services not only for members of the consular corps, but also for foreign dignitaries at the request of the State Department for which they presently incur the costs of such services. Is this correct?

Mr. SAYRE. Mr. Chairman, we have legislation on the books which provides for the protection of foreign visitors either by the Secret Service or by the Department of State, and that service is provided. When we go into a city protecting somebody other than a chief of state or a head of government, which is the responsibility of the Department of State, we naturally ask for local cooperation in protecting that individual.

But we do not consider that that would fall within this proposal. This proposal only covers consular personnel, and we believe that we have adequate authority to cover the other problems.

Senator HAYAKAWA. I see. But under present circumstances, the Federal Government does share in the cost of such services provided by the local government?

Mr. SAYRE. We do not reimburse the local government for supplementing the protection which the Federal Government provides for high level dignitaries. The Department of the Treasury, when it involves a chief of state or a head of government, provides the protective detail, and when it is some other high level visiting dignitary whom we determine needs protection, the Department of State provides it.

Senator HAYAKAWA. So it has to be a head of state? That is a special condition?

Mr. SAYRE. No, it doesn't have to be a head of state, Mr. Chairman. I am saying that when it is a chief of state, that is handled by the Secret Service. When it is, for example, a cabinet minister and we believe he needs protection, that is provided by the Department of State.

Senator HAYAKAWA. I see. Would the State Department be open to add protective coverage of foreign dignitaries, which would also be reimbursable to local governments, in S. 2675?

Mr. SAYRE. No; we would not, Mr. Chairman, because this particular proposal relates only to consular personnel. We believe that we already have adequate legislative authority to deal with visiting foreign dignitaries.

Senator HAYAKAWA. Thank you very much, Mr. Ambassador.

Senator PRESSLER. [presiding]. Mr. Ambassador, we thank you very much. I have some written questions that I will submit to you for the record.

We will call the panel forward. I think Senator Hayakawa wishes to introduce the panel.

Senator Hayakawa. It will be a great pleasure to do so, Mr. Chairman. The panel is all here, I believe. Commander George Morrison, Commanding Officer of the Uniformed Services. Los Angeles Police Department. Is Commander Morrison here? Will you come forward?

James F. Seeley, Federal Legislative Representative, city of Los Angeles.

Senator PRESSLER. Ambassador Sayre, if you have other duties and you wish to leave, you may, or you can stay and comment. Staff tells me that they will be giving you the questions they have prepared for me, and you can answer in writing.

Mr. SAYRE. Thank you very much, Mr. Chairman. We will submit as promptly as we can the answers that you want. I want to emphasize again that we greatly appreciate your holding this hearing so immediately. We do feel we have an urgent problem and we are certainly thankful that this committee has been responsive.

Senator PRESSLER. Thank you. We will move as quickly as possible. In fact, I am going to try to move the legislation. Let me just ask the staff here.

[Pause.]

August 10th we will have a markup and we will try to move it sooner than that even, if we can.

Senator HAYAKAWA. Are Commander George Morrison and James F. Seeley, Federal Legislative Representative here?

Mr. CORDOVA. Senator, Mr. Seeley is not present at this moment. I will take his place. My name is Arnold Cordova, representing the city of Los Angeles.

Senator HAYAKAWA. Mr. Kenneth Conboy, Deputy Commissioner, New York City Police Department. Mrs. Gillian Sorensen, Commissioner, New York City Commission for the United Nations and for the Consular Corps.

Julian Spirer, Director, Washington Office, city of New York.

Welcome to all of you, gentlemen and Mrs. Sorensen. I would like to thank you for appearing today before the committee on a matter that has concerned us for some time.

The first thing we ought to do, I think, is to hear the testimony you have about the problem in front of you, so may I begin by asking Commander Morrison to start?

Mr. CORDOVA. Senator, with your permission, I would like to make some opening comments on behalf of the city of Los Angeles, and then Commander Morrison will provide more detailed testimony.

STATEMENT OF ARNOLD CORDOVA, WASHINGTON REPRESENTATIVE CITY OF LOS ANGELES

Mr. CORDOVA. My name is Arnold Cordova, representing the city of Los Angeles. We are here today to express the city's strong support for S. 2675, a measure to reimburse State and local governments for the extraordinary costs incurred in providing for security and protection for the members of the consular corps on their consular premises.

The sponsorship and support of this type of legislation has been, for some time, part of the city's legislative program, and we support these kinds of measures. In addition, it has been part of the National

League of Cities, national municipal policy for a comparable period of time.

The magnitude of the fiscal problem in Los Angeles that we have faced in providing such services is related to the fact that there are 65 consular offices located in the city. The cost to the city of providing security services for these foreign diplomats, their offices and, in some cases, for their residences, is substantial although not always predictable.

For example, in calendar year 1981, the Los Angeles Police Department's direct labor cost for this purpose was approximately $270,000. Moreover, our expenditures have already exceeded $740,000 in the first 6 months of this calendar year. I would like to point out that these figures are for full-time dedicated services and do not include other related costs such as motorcade escort, airborne escort and Command Center operations, just to name a few.

While we are in complete support of the intent of the measure presently before you, S. 2675, we believe there is another area of consideration which is related to Federal and local concern which is not covered by the current povisions of the measure. And Commander Morrison will provide you more detailed comments in a moment.

Just briefly, though, the city has incurred additional security costs in connection with the visits to our city by our own President, other heads of state, ambassadors and other foreign dignitaries.

Basically, S. 2675 would make funds available through the Secretary of State for consular offices, but excludes other foreign diplomats who fall under the protective jurisdiction of the State Department. We understand that security for heads of state and of the President are a concern of the Treasury Department, and consequently, the associated costs for such protection would have to be covered by separate legislation.

However, costs related to protection of other foreign diplomats could be addressed in S. 2675. In these times of tight budget constraints and cut-back management at the local level, these costs are also cause for concern. By way of illustration, in calendar year 1981, the city of Los Angeles has incurred direct costs in excess of $182,000 while providing such protective measures.

Again, we would like to restate our support of S. 2675, and at this time I would like to introduce Commander George Morrison of the Los Angeles Police Department.

Senator HAYAKAWA. Thank you, Mr. Cordoba. Commander George Morrison.

STATEMENT OF COMMANDER GEORGE MORRISON, COMMANDING OFFICER OF UNIFORMED SERVICES, LOS ANGELES POLICE DEPARTMENT

Mr. MORRISON. Mr. Chairman, thank you. I am the Commander of the Los Angeles Police Department and Commanding Officer of the Headquarters Bureau and the Counter-Terrorist Task Force. I welcome the opportunity to appear before your committee today in support of S. 2675.

I have been intimately involved with the activities of the Los Angeles Police Department as they pertain to the protecting of foreign

dignitaries and heads of state for the past 26 years. In this capacity, I have had the opportunity to work closely with the Secret Service and State Department in dignitary protection and with the Secret Service and the FBI regarding threats and crimes committed against heads of states and other foreign officials.

In commenting on this legislation which is before your committee today, I think it would be useful to take this opportunity to explain what type of protection the department is called upon to provide and to break down these activities in what we might term as ordinary services and as extraordinary services. These terms are in keeping with the language of the bill and are understood by those familar with this activity.

Before getting into this description, however, I would also like to make one point which has been alluded to in previous testimony, and that is that our task concerns protection of all displomatic visitors, and we would have a hard time breaking out this function to just those referred to in the bill as consular officers.

Senator HAYAKAWA. If you would permit me to interrupt you for a moment, there is a glowing light on the clock up there. It means there is a vote on, so I am going to run and vote and I will come back, and then Senator Pressler will go and vote.

Senator PRESSLER. You can just keep on going.

Mr. MORRISON. It would be our hope that when the legislation is finally passed, that the Senate would expand this definition to include all foreign diplomats along with the heads of state.

I am aware, of course, that in the case of protection for heads of state, we are bringing into the picture different Federal agencies, specifically, in this case, the Treasury Department and Secret Service. However, you must understand from our perspective the distinction costs some of its relevance. Therefore, I would ask the committee to take serious consideration of the shortcoming which we see in the present draft of the legislation.

Our protective mission considers various levels of threat assessment from non-specific but automatically assumed in the case of the President and many of the heads of state, to a high level as in the case of Ambassador Elekdag of Turkey who has been in our city two times recently. The components of the protective detail vary considerably based on the individual, the context of the protection in terms of duration and activities of the protectee and the threat assessment.

Ordinary services include threat assessment determination, liaison with concerned local, Federal and foreign officials and a two-person detail for the first 8 hours of the detail. Additionally, we provide continuous monitoring during the duration of the visit or the non-specific threat concern.

Extraordinary services are those that exceed equal protection under the law provisions that would apply to a local or State resident. These services include establishing the command center, personal protection, movement protection, site protection of office and residence, protection at sites of public assemblage, whether or not it is by invitation, and aircraft and vessel protection while in our jurisdiction.

These services are provided by specially trained personnel with specialized equipment which is diverted from ongoing police pro-

tection for the city of Los Angeles. Extraordinary services divert the crime task force from its specialized enforcement of local crime problems, which in our case are increasing while police resources and the budget are decreasing.

The specific elements committed to the protective security include the highly praised and recognized Metropolitan Division, which includes our Special Weapons and Tactics and Crisis Negotiation Teams, and Air Support Division, Public Disorder Intelligence Division, Major Crimes Investigation Section, Criminal Conspiracy Section, Tactical Planning Section and Specialized Motorcycle Section and the Bomb Squad.

Protective movements and site security locations are swept for potential hostile action and receive full airborne surveillance, surface surveillance, explosive detection and counter-assault capability. The two basic modes of the details are protective as in the case of a head of state, and protective apprehension as in the most recent threats involving Canadian, French, Swiss, and Turkish officials.

Mr. Chairman, my statements are meant to be brief, and I would certainly welcome any questions that you might have. In addition, I can assure you that myself, Chief Daryl Gates and all other department officials stand ready to work closely with your committee and Federal officials to provide the necessary structure in this legislation that would provide us with a comprehensive yet practical approach to the important task of providing adequate protection to foreign diplomats and official visitors. I believe our record in the Los Angeles Police Department is good, respected by Federal agencies, and we look forward to maintaining that same type of relationship under any new program that will be established by this legislation.

Senator PRESSLER. Thank you. Next I will call on Gilliam Sorensen.

Mr. CONBOY. Senator, if it please you, I will make the statement on behalf of the city. I am Deputy Commissioner Kenneth Conboy of the New York City Police Department. Of course, Mrs. Sorensen will be available to respond to any questions the Senator might have.

STATEMENT OF KENNETH CONBOY, DEPUTY COMMISSIONER, NEW YORK CITY POLICE DEPARTMENT

Mr. CONBOY. I want to say, Senator, on behalf of the Mayor of New York, that we appreciate the opportunity to comment and give our views on the legislation that is pending before you. I wish to make two points at the outset.

First, New York City supports in principle the bill before the subcommittee. With all the discussion in Washington of ridding the Federal Government of financial responsibilities under the dual flag of budget balance and the new federalism, this bill is a welcome recognition of the Federal Government's obligation in an area heretofore left to the inadequate resources of local governments.

Second, the support of the administration for this bill is quite puzzling, to say the least, given the administration's reluctance to fund the diplomatic protection responsibilities it already recognizes. In December 1975, President Ford signed into law Public Law 94–196, which authorized the Federal Government to reimburse New York

City for its extraordinary expenses in protecting United Nations diplomats and foreign dignitaries visiting the U.N.

As of the end of this fiscal year, the Treasury Department, which administers Public Law 94–196, will have approved applications for reimbursement totaling at least $17.7 million more than the department has been authorized to spend. On June 15th, the House of Representatives, with strong bipartisan support, adopted legislation H.R. 6254 to authorize the payment to New York City of $17.7 million and to raise the annual authorization for future years from $3.5 million to $7 million. The latter figure more closely approximates the amount which the city spends annually for extraordiary U.N.-related protection.

Hearings on H.R. 6254 are expected shortly before the Senate Committee on Environment and Public Works, and we hope for a prompt Senate passage of the measure. The administration, however, not only has declined to support H.R. 6254, but it has also recommended an appropriation in fiscal year 1983 of only $1 million for the program. This is almost $20 million less than the Treasury Department acknowledges it will owe New York City for expenses which will have been incurred prior to the end of the 1983 fiscal year.

The city's experience under current law gives us and other localities little comfort about the bill pending before you. We would welcome the support of the members of this committee and the assistance of the State Department in ensuring that H.R. 6254 receives the quick and favorable attention which it deserves so that no question can arise about the good faith of the entire Federal diplomatic protection program.

Senator PRESSLER. Mr. Conboy, I am going to have to go vote. There will be a slight lag before Senator Hayakawa gets back, or I will miss this 15-minute roll call. Just hold it until he comes back.

[Short recess.]

Senator HAYAKAWA [presiding]. Mr. Conboy, I understand you were in the middle of your testimony when Senator Pressler had to leave.

The CHAIRMAN. Senator Hayakawa very thoughfully will act as chairman until Senator Pressler returns. I just want to welcome all of our guests very much, some of whom are—I won't say old friends, but young friends of long standing. To have Mr. Conboy back again and Mrs. Sorensen with the Corporation of Public Broadcasting in New York, and this particular subject of protection of consulates is very important.

I am sorry I won't be able to stay during the course of the hearing, but I will read your testimony very carefully. Senator Hayakawa.

Senator HAYAKAWA. Mr. Conboy was in the middle of his testimony when Senator Pressler had to leave to vote. I would like to ask him to continue, please.

Mr. CONBOY. Thank you, Senator. I do not wish to minimize the importance of Federal participation in the expenses of protecting foreign consular officials in the city of New York and other localities. With 89 consulates-general and approximately 2,560 consular employees, New York City has the largest consular community in the United States.

Since December 1979, there have been 25 bombings, including the two most recent bombings in New York of the Lebanese and the French missions, associated with consular or diplomatic property including attacks against the consulates of Turkey and Honduras, the Aeroflot facility of the Soviet Union, the Egyptian Tourist Office and various U.N. mission and diplomats.

In five instances, armed devices were removed by the New York City Police Bomb Squad prior to detonation. A basic tactical police response to these kinds of security hazards has been the posting of police sentinels at properties where real threats exist. During 1981, the police department maintained coverage at 54 separate locations of which 12 involved consular officials. The cost of protecting consular officials through fixed post coverage or other security details, between 1974 and 1981, was $2,083,582, of which $1,262,932 was spent on the Russian consulate.

And I want to emphasize again, Senator, that these are consular costs; our costs with respect to the U.N. missions are averaging approximately $7 million a year. So the major obligation in New York City is to missions, although, as I say, we don't wish to minimize the expense associated with the protection of the consulates and consular officials.

At present, the Russian consulate has been closed so we are projecting a 1982 expenditure of approximately $75,000 in fixed post consular protection. In addition, we incurred in 1981 substantial additional police costs in ad hoc protective duties at consulates in connection with political demonstrations such as the one at the British consulate related to the IRA hunger strikes.

Just as a matter of interest, Senator, that location in 1 year saw 134 demonstrations; that is, from January to December 1981. And the cost to New York City over and above the consular fixed post costs I have described was $538,676.58.

As has become apparent in studies conducted by the U.S. Secret Service of the U.N. diplomatic protection accorded by the New York City Police, the expense to the Federal Government of providing this protective service directly would be at least double these amounts.

While the bill as introduced establishes therefore a principle with which the city is fundamentally in accord, I wish to bring to your attention some aspects of the bill which concern us.

First of all, section 1 of the bill and the section-by-section analysis assert that the protection of consular officials is the responsibility of State and local governments, but that there are cases of extraordinary need where Federal assistance is appropriate. This language is somewhat misleading because the emphasis is placed upon the responsibility of State and local authorities for consular protection, and the Federal obligation is merely characterized as "appropriate."

The legal obligation of the Federal Government to pay for extraordinary diplomatic protection costs was clearly enunciated in Senate Report No. 94–573, dated December 17, 1975, which accompanied Public Law 94–196, as follows at page 2, ". . . local communities should no longer be forced to bear the full cost of what is essentially a national obligation."

Furthermore, this preamble adds nothing to the bill and obfuscates its purposes—that is, reimbursement to State and local governments resulting from Federal responsibility.

I might add parenthetically, Senator, that at hearings before the House Appropriations Committee in June, Ambassador Jean Kirkpatrick, presumably speaking on behalf of the State Department, conceded that the major obligation in this area was Federal and not local. So I was pained when Ambassador Sayre a few moments ago suggested that there had been a reluctance or a refusal on the part of local authorities to assume these obligations.

I might point out that the consular obligations which we have described here today have never been reimbursable under the Treasury authorized reimbursement program, and we have nonetheless provided these obligations. Indeed, the Secretary of State's chief delegate in New York, Mrs. Kirkpatrick, asked the police commissioner personally to provide protection to the Turkish consular general last month in the wake of the tragic shooting and death of the Turkish consular general in Boston. Even though that was not a reimbursable expense under the law, the New York police immediately undertook that responsibility.

I might add that Mayor Koch has appeared twice before a congressional committee and has written the Secretary of the Treasury and the White House to the extent that New York has continually accepted these responsibilities in spite of the fact that the reimbursement has not been forthcoming. This is true even though at this point, as I have indicated, there are to be amounts due to New York City of almost $17.7 million, and no money in the till for reimbursement.

So the suggestion of the Ambassador that there has been reluctance I don't think, at least with respect to New York City, is borne out by the record.

Now, section 2(a) of the bill before the subcommittee provides reimbursement for fixed post coverage only at (1) consular premises, or (2) the residences of consular officers. This language is too limiting because it does not provide reimbursement for fixed post coverage which may be necessary at locations other than the above where consular functions or meetings occur.

Furthermore, this section allows, in certain circumstances, private security services to be used for consular protection. For obvious reasons of public safety and security, the New York police is always circumspect in matters relating to non-police persons providing protective services, especially where firearms are concerned.

In New York, our police are highly trained and experienced and can best provide protection. It is, therefore, with great reluctance that we would sanction the performance of protective services by armed civilians. Accordingly, I would suggest that language be incorporated into the bill that makes it clear that the hiring of private security services be utilized only as a last resort where no agreement can be reached with the State or local authority on reimbursement.

Section 3(a) of the bill which defines "consular premises" as ". . . the buildings used exclusively for a consulate general . . ." is too narrow. Consulates frequently share office space with their U.N. mission or some other governmental offices. Moreover, a consulate is often only

one tenant in a large high rise building. This, for example, is the case with the British consulate on Third Avenue in Manhattan where substantial expenses were incurred by the police during the year 1981 that I have already alluded to.

The definition of "consular property" as drafted could put into doubt reimbursement for protective services provided to consulates at such shared premises or buildings.

Moreover, the bill, as it stands now, would not provide any reimbursement for extraordinary police services which are necessary at other foreign government offices which are not part of the consulate. These offices include national airline, toursist, trade, cultural, military and industrial development offices and missions.

In 1981, New York City provided fixed post coverage at locations such as the offices of Aeroflot and E1–A1 at a cost of $384,353 without any reimbursement. It is suggested that the bill be amended to take account of these expenditures which fall similarly within the Federal domain because of the potential impact upon our foreign relations.

In addition, the U.N. diplomatic statute Public Law 96–194 and the amendment, H.R. 6254, now pending before the Senate also qualify reimbursement for the expenses of protecting visiting foreign dignitaries only when the visit is associated with the United Nations. In 1981, there were visits from three dignitaries, Prince Charles, President Sadat and Prime Minister Begin, costing approximately $682,503, which was not reimbursable because of this requirement. In other words, those three officials were not in New York City in connection with strictly United Nations business. It is suggested that the bill be rewritten to make reimbursement possible for protecting visiting foreign dignitaries who are not covered by Public Law 96–194 because their visit does not take them to United Nations related facilities.

In conclusion, we feel that S. 2675 would serve a valuable function by permitting Federal reimbursements for the ertraordinary local expenses of protecting consular officials and consulates. The bill could be made even more helpful by the changes we have suggested. But not action on S. 2675 should obscure the urgent need for prompt Senate action on H.R. 6254, so that the far graver security threats posed to U.N. related diplomats and visiting foreign dignitaries can continue to be met economically and effectively by the New York City Police. Thank you.

Senator HAYAKAWA. Thank you, Mr. Conboy. May we now hear from you, Mrs. Sorensen?

TESTIMONY OF MRS. GILLIAM SORENSEN, COMMISSIONER, NEW YORK CITY COMMISSION FOR THE UNITED NATIONS AND FOR THE CONSULAR CORPS

Mrs. SORENSEN. I have no formal testimony, Senator, but I welcome any questions that you care to ask.

Senator HAYAKAWA. That is perfectly all right. But if you do have something to say——

Mrs. SORENSEN. I would simply add that New York is in a unique position. We are not a Federal capital, and yet, we are the host to the largest diplomatic community in the world.

The subject of today's meeting, consular protection, is for us the smaller share of this responsibility. The United Nations missions and events associated with the U.N. are the largest share for us. But we are concerned, and we join with our colleagues from Los Angeles, Chicago and other places in the hope that consular protective reimbursement might be joined with the United Nations in a fuller diplomatic reimbursement to meet what we see as a national responsibility.

New York City has done the job of protection for many years and done it very well. We have done it a great cost saving to the Federal Government, and we can continue to do so. But the financial burden for us and for other cities has become very, very heavy, and we would welcome assistance from the Federal Government in this regard.

Senator HAYAKAWA. Thank you very much. I would like to thank all of you for appearing today before the committee. Mr. Spirer, we haven't heard from you yet, have we.

STATEMENT OF JULIAN SPIRER, DIRECTOR, WASHINGTON OFFICE, CITY OF NEW YORK

Mr. SPIRER. I don't have any formal remarks, but I would like to make several comments with respect to the bill which has passed the House and which would increase the authorization to New York City for reimbursement for U.N.-related diplomatic protection. We find ourselves in a rather anomalous situation where the administration is supporting a new program to reimburse localities for consular-related protection while refraining from supporting an expansion of the existing protective responsibilities to the Federal Government to encompass reimbursement for expenses which New York City has already borne under the existing Federal program.

What we would hope to see would be that the kind of impulse from the Senate Foreign Relations Committee, which leads to the enactment of this program, also motivate your colleagues to report out expeditiously, and for the full Senate to approve, this piece of legislation which is to be the subject of hearings before the Senate Committee on Environment and Public Works.

Senator HAYAKAWA. Thank you. You say the Federal Government has helped out on the protection of the U.N. and not the consular posts? Is that correct?

Mr. SPIRER. That is right. Under Public Law 94-196 which was enacted in 1975, New York City receives reimbursement to a limit of $3.5 million a year for its expenses in extraordinary protection of U.N.-related diplomats, and visiting foreign dignitaries who include the U.N. or its missions as part of their New York itinerary.

And that program is seriously under-funded. In fact, the shortfall as of the end of 1983 in that program—this is in approved Treasury Department applications—will be in excess of $20 million. So we are facing now the prospect of embarking on a new program of reimbursement for consular protection, and we are $20 million behind under the existing program.

Senator HAYAKAWA. Thank you. I am grateful to all of you for your testimony. I know that all of you share with the members of this committee our concern over the murder of the Turkish Consular General in Los Angeles on January 28, 1981. And on May 4th of this year, the Honorary Turkish Consular General in Boston was killed, and this increasing level of terrorist attacks against foreign consular personnel is a matter of serious concern to this administration.

I know all the problems you confront, not only with the U.N. but with all of the consular responsibilities that you have as part of your duties in law enforcement and keeping the peace must be incredibly complex. I had presented to me by one of the staff a question that seems to me to sum up the complexities of your task.

So I would address you, Commander Morrison. Supposing I were the consular general from Japan in Los Angeles. I have a wife and three childern, and we all want to go to Disneyland. What are your problems?

Mr. MORRISON. Well, it would be rather substantial, sir. This would apply not only to the consular general, but to the ambassador from Japan who will be visiting our area. We have very limited authority jurisdictionally and logistically to provide protection outside the city of Los Angeles. We have a unique——

Senator HAYAKAWA. Disneyland is——

Mr. MORRISON. Is not only outside the city, it is outside the county of Los Angeles.

Senator HAYAKAWA. That is right, I had forgotten. Go ahead.

Mr. MORRISON. Quite often, these requests do come up. In the case of a head of state, we are working currently with the U.S. Secret Service. They are the lead agency, and they provide substantial logistics support and jurisdictional support.

In the case of protection that would fall primarily under the State Department, our jurisdiction is much more limited to that which we can provide within the city limits of Los Angeles. So in this case, we would not be able to do anything for you, and this is another rub in the case of many foreign officials who are amazed by the complexity of our jurisdictions and the fact that we have no singular agency to respond to their needs.

Senator HAYAKAWA. You couldn't do this with the cooperation of two or three police departments in Los Angeles and Santa Ana?

Mr. MORRISON. Yes, sir, there would probably be several agencies involved; the city of Anaheim would be the primary agency. In this case, we could advise the other jurisdictions as to the level of protection we are providing. We could give them our analysis of the threat assessment on you in this case, but we could not mandate any level of protection from them. We do not have the authority to do that, nor are we in a position of providing a reciprocal. We are local law enforcement, and the issue that comes up quite often is equal protection under the law.

If we apply the standard of equal protection under the law, then we would provide no protection at all in this case because we wouldn't be able to do that for a resident of Los Angeles. So this gets more complicated. I think we far exceed equal protection under the law when

it comes to members of the consular corps, to ambassadors and to ministers of foreign governments.

There are some substantial problems that go beyond just those being addressed in this particular piece of legislation. The United States Secret Service in their capacity of protecting the heads of state is able to move in, and they provide lead agents and coordinate protection with local agencies, so that they assume that full responsibility. We work with them in that capacity, and we do have the authority in that case to go beyond jurisdictional boundaries while in the company of the Secret Service.

The same is not true with protection details working with the State Department, and we would have to defer back to the local field office of State Department to provide this type of protection or to request that protection from local police agencies.

Senaor HAYAKAWA. Let's make the problem easier. Here I am, Consular General with wife and three small children, but at least they are old enough to be ambulatory. I want to take the kids to Los Angeles County Museum. I want to take them to lunch in Koreatown. Then after lunch, I want to take them to the Los Angeles Natural History Museum, out near USC, and then get them back to the consular general's residence.

How much of a strain is that on your resources? To what degree does the consular general himself have his own protection?

Mr. MORRISON. Very specifically, we are providing that type of protection at the present time for three consular officers, and we have had as many as nine at one time. We are providing site protection, as well as movement protection. Site protection includes both the consular office and the residence, assuming that they are in the city of Los Angeles.

In this case we would, depending upon the threat level, have at the very minimum two officers detailed that would be protecting you in these movements. If the threat assessment was very high and we could not discourage you from appearing at some of these places where we think you might be vulnerable, we would have to increase the level of protection substantially.

It would depend in each instant case as to how many we would provide, but it would include protected movement by motorcade, and that would not be a red light and siren thing, but it would be escort cars as well as protection within the car you would be occupying. It would provide counter-surveillance to be sure that we were not being followed in this motorcade movement. It would provide a sweep of the location prior to your arrival, and site protection already in place upon your arrival at each of these locations.

It is a very substantial undertaking to do it right, and that is the only way we will do it.

Senator HAYAKAWA. And you would not be reimbursed? Under present circumstances, you would not be reimbursed for this except by the Los Angeles taxpayer?

Mr. MORRISON. Under present circumstances, we are not reimbursed, that is correct. We have provided this protection. As I say, in February of this year we were providing this level of protection for nine foreign missions.

Senator HAYAKAWA. And what level of protection or funding would you get in addition to what you now get, which is, as I understand, not very much or zero, from S. 2675? What relief would that give you?

Mr. MORRISON. I think that would depend on the agreement that was reached with the State Department. We have identified in previous correspondence to State Department the two modes of protection. One is just straight protection and the other is protection/apprehension.

If we have an ongoing investigation, that indicates that threat assessment is very high. As it has been with the Armenian terrorist groups and Croatian terrorist groups, we are not only protecting the principal, but we are also in the process of making an apprehension.

We recently apprehended terrorist bombers, and of course, we have made two arrests in the case of the assassination of Consular General Arikan. So it would depend on those modes.

We would hope that the reimbursement would be for the mutually agreed upon protection of the site and the principal if we are in a protective movement. That can get quite costly. To shortchange protection; that is, to do a ceremonial form of protection, I think would do a disservice to the Government. And we would urge that the level of protection be determined certainly in a form of negotiation with heavy reliance on those agencies that have had substantial background in this.

Senator HAYAKAWA. Is there a significant difference in the level of threat or danger to consulates according to the state of international relations between us and them?

Mr. MORRISON. Yes, sir, that could have a bearing on it. It also can depend upon the ability of a hostile element to enter the United States or to have a base in the United States. And without opening up another Pandora's box, we have a fairly wide open border which permits easy access. We have several terrorist groups operating in the United States. We have an ongoing problem involving terrorist-based groups operating out of southern California that affect the Latin American nations.

But the level of involvement varies from time to time, and the accessibility to the principal, either as a person or symbolically as a target varies greatly. I think both New York and Los Angeles have had more than their share of both the direct attempt on the life of persons as well as the symbolic types of bombings and assassination attempts.

Senator HAYAKAWA. Let me invite the rest of you to chime in with any other thoughts that occur to you in response to these questions because you have difference experiences, I am sure, in New York.

Senator PRESSLER. Also, I might say they might chime in from some of our lesser populated States if they have any information about problems. What if they decide to go to the Black Hills of South Dakota? What happens?

Mr. SPIRER. I might say parenthetically that I understand there is not one State in the United States which does not have at least one consulate. There is even a French consulate in Montana, I understand.

Senator HAYAKAWA. What is he doing there? Is there any significant difference between an honorary consulate and a consulate from the country itself? We have honorary consulates from a number of countries in San Francisco as ordinary San Franciscan citizens who have become honorary consulates to some obscure——

Mr. CONBOY. Senator, in New York City, we have found that the overwhelming security problems are associated with the ambassadors in the missions; then, secondarily, with official consulate general facilities. I am not aware of a single threat received, at least in the 4 years since Mayor Koch has been in office, with respect to an honorary consul.

The 10 consulate fixed post assignments that we alluded to for 1981, they are all formal, full-time consulates general.

Senator HAYAKAWA. I see. I raised the question because my notes here say that the Turkish Consular General was murdered in Los Angeles on January 28, 1981. May 4 of this year, the Honorary Turkish Consular General in Boston was murdered.

Mrs. SORENSEN. Yes, sir, the Honorary Consul in this case is really a nonfunctioning officer. It is an honorary position. It offers him the opportunity to attend certain functions, but he does not really fulfill the day-to-day responsibilities that a consul general would normally do. Unfortunatey, in the case of the Turkish Consul in Boston, he was nonetheless a target for the opposition groups.

Senator HAYAKAWA. Was he himself a Turk?

Mrs. SORENSEN. No; I believe he was not.

Senator HAYAKAWA. He was an American serving as an honorary consul general?

Mrs. SORENSEN. At least in New York we have perhaps as many as eight or nine Americans who are named honorary cosul generals for foreign countries.

Senator HAYAKAWA. We have quite a few in San Francisco, too, you see.

Mr. MORRISON. That is true in Los Angeles, and I think the thing that would make the honorary consul a target is if they have the surname of the country that they are representing, a nationalistic connection. They are targeted symbolically if nothing else.

We have had threats on three honorary consuls in the Los Angeles area. They have been a low level threat from our perspective, but nonetheless we have been tsked officially by representatives of the Federal Government to look into it and and to advise what our analysis is. And we do this in every case.

There are other distinctions involving honorary consuls, but I think that the same concern for diplomatic relations exists whether you have the permanent staff of the consul or an honorary consul.

Senator HAYAKAWA. As I understand it, these assassinations and murders are political in nature and, therefore, basically symbolic, and they have got nothing against the individual who has been assassinated. They have got something against the country that he stands for.

Mrs. SORENSEN. Yes. The country or the politics of the particular government in power.

I wonder if I might add a word about the expenses. New York City has made a very strong effort to keep these expenses as lean as possible.

Many, many requests come in for protection. The police department only responds when there is a concrete and verifiable threat.

All such expenses have now been studied by both Treasury and our police department so that we will know what will be allowed and what will be disallowed. The costs that we have incurred for which we seek reimbursement are about as minimal as they could be, and it has been confirmed by the Secret Service that it would cost the Federal Government over twice as much were the Federal Government itself to perform these protective functions.

Senator HAYAKAWA. Senator Pressler will submit further questions for the record, and if you would be so kind, would you please answer whatever questions he submits?

Senator PRESSLER. I must go, but I will submit my questions for the record.

I want to thank the witnesses. I have to depart.

Senator HAYAKAWA. We are lucky around here. We only have to be in two places at the same time. On some days, we have to be in three places at the same time.

Anyway, I am glad to have become acquainted with some of the problems you have. And I realize that the Federal Government does have far more fiscal responsibility in meeting your problems than I had realized being met.

I myself will work in committee to see to it that we do more to help you out in your very patriotic endeavors to protect the good name of our country and, at the same time, to protect our good relations with other nations.

I think you are doing a very, very important kind of work when you protect the safety of the consulates and the embassies, even of nations hostile to us. Because even if they are hostile to us, the very fact that they have an embassy there, the very fact that we can meet with them over dinner or lunch or conferences and resolve differences in argument and discussion and debate means that that hostility can be gradually dissolved over the course of weeks or months or years.

And the existence of people like you who prevent assassinations from happening, prevent violence from occurring, who punish that violence if it does occur, you are all contributing to peace and contributing to the resolution of our national problems. I congratulate you all for the work you are doing, and I myself as a Senator will do whatever I can to help you in your work.

And so, I am very happy to have met all of you and I thank all of you for your efforts.

Let me invite you at this point if you have any final remarks to make, I would be glad to hear them.

Mr. CORDOVA. Senator, I just want to make a personal note here. I have had a good part of this morning to listen to Commander Morrison regarding Los Angeles's approach toward security protection of consular officers and foreign dignitaries, and I must say that I have been thoroughly impressed by the commander's professional approach and the seriousness that he has taken in his command unit. Because it was an area that I just wasn't totally familiar with.

I left with a sense of being proud of our own Los Angeles Police Department, and I share your views regarding the Federal role and

responsibility, and the reality of the fact is that those professional costs and the approach that we take do cost. And we hope to work with you in seeking amendments to this legislation.

We thank you very much.

Senator HAYAKAWA. Well, we are adjourned.

[Additional questions and answers follows:]

STATE DEPARTMENT'S RESPONSES TO ADDITIONAL QUESTIONS SUBMITTED BY SENATOR PRESSLER

Question 1(a). Why, at this time, does the Administration believe that it is necessary to reimburse State and local jurisdictions for the protection of foreign consular personnel?

Answer. First, the Administration supports reimbursement for extraordinary protection. The Administration does not consider that the State and local jurisdictions should be reimbursed for all protection provided to foreign consular personnel and premises. As I stated in my prepared testimony, we consider the views of State and local authorities reasonable that their responsibility is to provide equal protection to all persons within their jurisdiction but when the Federal Government request extraordinary protection, such as fixed guard posts and protective security details, the Federal Government should be prepared to reimburse for that assistance.

Second, the threat to foreign consular personnel has increased dramatically in the last few years. Two Turkish consuls have been assassinated this year. There have been over 300 other threats to foreign consular personnel. The United States assumed an obligation in the Vienna Convention on Consular Affairs to protect such personnel and we must take further and urgent action to carry out that obligation.

Question 1(b). Could you provide for the record a list of terrorist activities directed against foreign consular personnel within the United States during the last 4 years?

Answer:

THREATS TO PROPERTY AND LIFE OF THE FOREIGN CONSULAR CORPS RESIDENT IN THE UNITED STATES AND OTHER POLITICALLY MOTIVATED DEMONSTRATIVE ACTIVITY DIRECTED AGAINST THEM

Calendar Years 1979, 1980, 1981 and first half of 1982

There is no Federal agency or individual source that maintains an accurate accounting of all threats to foreign diplomatic and consular establishments and personnel. This is mainly because of the magnitude of this particular category of terrorism/extortion, i.e., best estimates would place a yearly total as high as "in the thousands." For purposes of reporting, we have listed the number of threats and other activity that have been of such significance to warrant after-

action by law enforcement authorities and in some cases preventive action and participation by law enforcement authorities.

Not counted in this statistical report are threats of a general nature concerning a foreign country's diplomatic, consular and other government establishments and personnel worldwide (in a case such as Mexico this would include over 100 targets in the United States alone). Also not included are instances where a particular crisis results in massive threats and other activities, i.e., during the Falkland Islands crisis, British and Argentine establishments received so many threats that the target establishments did not even log or report most of them; the current Lebanese crisis has resulted in an immeasurable amount of threats directed against the establishments of all parties concerned, i.e., Israel, Lebanon, Syria, France, Jordan, etc.; the Soviet invasion of Afghanistan resulted in, again, numerous daily threats against Soviet and Afghan establishments; during the Iran hostage period there were several hundred threats and demonstrations throughout the United States. The best example of this occurred several years ago when the Jewish Defense League launched a telephone harassment campaign against the Soviet Embassy, U.N. Mission and Consulate, wherein the Soviets reported in excess of 100 harassing, abusive, and threatening calls per day for several weeks.

Also not included are threats and activities resulting from purely natural causes (traffic accidents, domestic affairs, street crime, etc.).

Listed below are the number of bomb threats, personal threats and other activity which includes demonstrations, sit-ins, harassment, and vandalism at a specific location during the period January 1, 1979 through the first half of 1982.

1979

Bomb threats	38
Personal threats	30
Other [1]	49
Total	117

1980

Bomb threats	35
Personal threats	29
Other [1]	78
Total	142

1981

Bomb threats	26
Personal threats	23
Other [1]	43
Total	92

See footnote at end of table.

January 1 to June 20, 1982

Bomb threats	13
Personal threats	15
Other [1]	23
Total	53

[1] Other includes demonstrations, sit-ins, harassment, and vandalism.

The Federal Bureau of Investigation has provided the following information concerning investigative cases that were initiated under the "Protection of Foreign Officials Act" (Public Law 92–539 and Public Law 94–467). It should be noted that the following figures represent cases concerning possible violation of Federal statutes on a nationwide basis. We and the FBI have concluded that a percentage breakdown would be approximately one-third were concerned with the diplomatic corps in the Washington area; approximately one-third were concerned with the U.N. Missions in New York and other foreign government offices such as airlines, tourist and information offices, trade companies, etc.; the remaining one-third involved the consular corps. The FBI started maintaining these statistics in calendar year 1980.

	Investigative cases
1980	595
1981	525
1982 (first half of year)	318

ACTUAL TERRORIST ATTACKS AGAINST CONSULAR CORPS

October 6, 1980.—Turkish Consul General's home in Los Angeles bombed by Armenian terrorists.

February 3, 1981.—Swiss Consulate in Los Angeles was target of bomb attack by October 3 Movement, an Armenian terrorist organization. Bomb was defused by police before it could detonate.

May 29, 1981.—Honduran Consulate, New York City, bombed by P.R. terrorists.

September 12, 1981.—Mexican Consulate, New York City, bombed by Omega 7.

September 12, 1981.—Mexican Consulate Miami bombed by Omega 7.

November 20, 1981.—Turkish Consulate in Los Angeles bombed by Justice Commandos of the Armenian Genocide, an Armenian terrorist group.

January 28, 1982.—Turkish Consul General in Los Angeles assassinated by Armenians.

February 1, 1982.—Letter bomb sent to El Salvadoran Consulate in New York City.

March 22, 1982.—Turkish Honorary Consulate in Boston bombed by JCAG.

May 4, 1982.—Turkish Consul in Boston assassinated in Somerville, Massachusetts by JCAG.

July 5, 1982.—Lebanon and French Consulates in New York City bombed; credit claimed by JDL.

Question 1(c). What types of extraordinary protection do you intend to provide under this legislation?

Answer. As defined in the legislation, the Secretary of State would be authorized to reimburse State and local governments reasonable expenses for providing fixed guard posts at a threatened consulate or consular officers residence, for a protective security detail (escort protection) assigned to protect a foreign consular official, and for other extraordinary protective procedures.

Question 2(a). What do you estimate the annual cost of providing such services? How do you intend to control costs?

Answer. The Administration has submitted a budget amendment for fiscal year 1983 in the amount of $6.1 million. This is our best estimate at this time. The amount could go up or down depending on threats against foreign consular personnel. The level of terrorist attacks generally leveled off in 1981, but the intelligence community expects it to continue to rise as it has since 1968. Attacks against diplomatic personnel are on the rise and attempts to assassinate and actual assassinations of diplomatic and consular personnel have rises dramatically.

We intend to control costs, first with clear guidelines from the Congress. Second, the proposal is that the Secretary of State must request extraordinary security in a specific case. In that request, we expect to work out with local and/or State authorities what is needed. This is not a proposal for a state or local jurisdiction to decide what is needed and send us the bill. The Congress will have control in the budget process because the cost will be a line item in the budget. We intend to use for this purpose only the amount which the Congress approves and within the guidelines for reprogramming.

Question 2(b). Public Law 94–196 provides reimbursement to the New York Police Department for the protection of foreign missions assigned to the United Nations. What is the annual cost of that program? Who administers that program? Why is the State Department requesting to be the administrator of this program rather than the Treasury Department (Secret Service) or the Justice Department? Is the Administration actively considering the placement of the New York program under the control of the State Department? If so, why?

Answer. Public Law 94–196 authorized an annual appropriation of $3.5 million to be available until expended. The Treasury Department has on the average reimbursed the city of New York about $3.5 million annually since this program was initiated. The program is administered by the Treasury Department through the Secret Service. Under that program, the Treasury Department published guidelines in the Federal Register. The New York Police Department de-

cides what protection is required and requests reimbursement. The Treasury Department reviews the requests and pays those determined to come within the guidelines.

The Department of States is responsible for assuring that the United States meets its obligations under the Vienna Convention on Consular Affairs. It has Security Field Offices strategically located throughout the United States and has the capability to administer the program proposed in S. 2675.

The Department of Justice has a law enforcement responsibility after a criminal act has been committed against a protected foreign official but it has not been involved in providing protective security.

The Administration has under consideration whether there should be any change in the administration of the program in New York City. No decision has been made.

Question 3(a). Will normal routine law enforcement activities be subject to reimbursement under this legislation?

Answer. No. this proposal is only to reimburse for extraordinary protective services as defined in the legislation.

Question 3(b). In what types of situation do we (the U.S. Government) have an obligation to provide extraordinary protection?

Answer. The Vienna Convention on Consular Affairs (Article 40) states that the receiving state (the United States) "shall treat consular officers with due respect and shall take all appropriate steps to prevent any attack on their person, freedom or dignity." When the United States Government has information on a threat to the person, freedom or dignity of a consular official, there is an obligation, therefore, to provide protection. We consider that when the protection required exceeds the normal responsibility of the state to assure equal protection of the law an obligation arises for the Federal Government. We have defined that in the proposal as the need to provide a fixed guard post at consular premises or a residence of a consular official and a protective security detail for a threatened consular official.

Question 3(c). Can you envision any situation where extraordinary protection is requested and denied or will all requests for such services be honored?

Answer. The Office of Security evaluates all threats against foreign diplomatic and consular personnel. If it is concluded that the threat does not warrant extraordinary protection, it will not be provided. We envisage providing extraordinary protection only during the period of the threat.

Question 3(d). Could you provide a list of all those countries that requested special protection services during the last year and the amount of such service that was provided?

Answer. The Department of State received the requests listed below. Because most of this list is based on sensitive intelligence sources and some of the threats persist, it is re-

quested that the list be treated as CONFIDENTIAL and not included in the record.

Question 3(e). Could you provide a list of all the consular posts in the United States by State and whether the post is honorary or career?

Answer. The Department of State publishes annually a pamphlet entitled Foreign Consular Offices in the United States which contains the information as requested. A copy is enclosed.[1]

Question 3(f). Other witnesses have stated that the Federal Government should also assume responsibility for the protection to foreign government offices other than consulates. Do you have any comment?

Answer. As I understand it, this relates to offices of airlines owned by foreign states, tourist offices, trade offices, etc. These are normal commercial functions, similar to private airlines, tourist agents and trade promotion offices. The Federal Government has no treaty or other obligation to provide such activities any protection beyond that provided by State and local authorities to similar private commercial activities. Accordingly, they should not be covered by this legislation or any other legislation on protection of foreign diplomatic and consular premises and personnel.

If the United States Government has been notified by a foreign government of a government trade, cultural or other activity as part of a consulate, and the United States Government has accepted it as such and included the officers concerned in our list of foreign consular offices, then it would be covered by the proposed legislation.

Question 4(a). Under this legislation, will the Department take over a function that the States should handle?

Answer. As I noted in my prepared remarks, we are seeking clearer guidelines from the Congress. The States have provided intensified surveillance when we have intelligence on a threat. The local police are willing to make themselves very evident. But they have been very reluctant to provide dedicated protective service such as a protective detail or a fixed guard at a consular. They consider that such protection goes beyond what they should be expected to do to assure equal protection of the law. On the other hand, overseas we regularly request and obtain such protection from foreign governments, even in the absence of specific threats. We consider that such protection comes within the provisions of the Vienna Conventions. So we have a problem of reciprocity with other governments as well as a division of responsibility within the United States between State and Federal Governments. We are asking that the Congress define in rather precise terms what is extraordinary. All other protection would be ordinary and the responsibility of the States.

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[1] The information referred to is retained in committee files.

Question 4(b). How will the Department of State be in a better position to determine the type of protection necessary rather than the local police departments?

Answer. The primary threat is from international terrorism, although there are other threats to foreign consular officials in addition to the terrorist threat. State and local police officials do not have an intelligence network to pick up information on such threats. The Department of State participates in both the international and national intelligence network of the Federal Government. In sum, the Department of State is more likely to have the threat information than the State or local police. We are also more likely to know the level of the threat and, therefore, the level of protection needed. The Office of Security of the Department has a unit which has the specific responsibility of threat assessment.

We are well aware that State and local police know the local scene better than we do. The specific proposal envisages that we will rely to the maximum possible on their expertise and resources. In sum, we expect what is done in providing extraordinary protection will be a mutually agreed decision. Even when the local jurisdiction is unable to respond to our request for extraordinary protection, we would expect to consult with the local police.

Question 4(c). Why are State and local law enforcement agencies no longer capable of providing such protection?

Answer. First, the issue is not primarily whether State and/or local jurisdictions are capable because they are doing an excellent job. The point is that what we consider needs to be done exceeds what they regard as their obligation under the constitution; they consider the extraordinary protection which must be provided under the Vienna Conventions to be a Federal responsibility.

Second, State and local police have limited resources. They are staffed to discharge their ordinary responsibilities. If they are to handle these extraordinary requests, they need some assistance to do so.

Finally, there will be cases in which they cannot respond. The Beverly Hills Police Department, for example, was unable to provide protection to the Turkish Consulate and we had to contract with a private security firm.

Question 5(a). If this legislation is approved, how would you administer it?

Answer. It would be administered by the Office of Security which has nine field offices throughout the United States. Each office is responsible for security questions of interest to the Department of State for a group of States. Foreign consulates are in every State but they are concentrated in California, Florida, Georgia, Illinois, Louisiana, Massachusetts, Michigan, Minnesota, Missouri, New York, Ohio, Oregon, Pennsylvania, Texas, and Washington. At any time there is a serious threat, there would be immediate consultation between the

local authorities and the appropriate field office and agreement on what needs to be done. This happens now in terms of exchange of information and consultation. If we seek dedicated protective service, then there would be agreement on exactly what is needed which we are now not able to do. That would be confirmed in writing. It would be immediately reported to Washington but local authorities would proceed on the basis of the agreement in the field. If it cannot be handled by the local police, then we would immediately seek other alternatives including Federal authorities such as Federal Marshals or private security firms.

We believe that we have the administrative network in place to handle this task but we would have to write regulations, work out understandings with local authorities, and set up accounting procedures.

Question 5(b). There may be so many jurisdictions involved with some consulates that your proposal will not work. Will the proposal really solve the problem?

Answer. There are clearly jurisdictional problems. We have confronted them in providing protection to the Turkish Consul General in Los Angeles. But we believe with this authority, plus authority we have in existing legislation, that we can respond immediately. The use of local police, either State or city, will normally take care of most of our problems. We can go to a private security firm that has statewide authority if we have multiple jurisdictions. We have used Federal Marshals in protecting foreign visitors. We can, in extremes, use our own agents. The proposal before you will fill the gap and we will have adequate authority.

Question 5(c). Why don't we amend the existing legislation to take care of this security problem?

Answer. The existing legislation relates to the protection of diplomatic premises primarily in two major cities—Washington, D.C. and New York City. We are seeking approval of simplified procedures that will permit us to respond promptly in protecting persons, in addition to premises in widely separated locations throughout the United States. Amendments to existing legislation to provide more funds or permit protection in all places where there are diplomatic or consular personnel would not resolve the problem. We have already found in some cases, as the location of the Turkish consuls in Beverly Hills and Massachusetts, that the local police do not have the resources even if we are willing to reimburse. So we also need authority for rapid employment of private security agents. In sum, we seek a better system so that we can be responsive on our obligation to protect foreign consular personnel and premises.

Question 5(d). Rather than reimburse local and State jurisdictions, can this job be done by the deployment of State Department security agents or other Federal agents?

Answer. We have considered that possibility. The Office of Security does not have the staff to do it. If we increased the staff, we would, in addition, have to consider travel and other costs. So we consider that solution would normally be more expensive. But the major reason we do not consider our own agents as the best option is support facilities. The local jurisdictions know the area, have the communications and other facilities, can augment the protection quickly if needed, and, of course, have the responsibility to follow-up if there is a violation of the law. So we consider what we are proposing is more effective and efficient both in terms of cost and results.

Question 5(e). If this legislation is adopted, will there be two Federal agencies dealing with New York City on the same matter?

Answer. In the absence of a decision to change, Treasury would continue to be responsible for protection of diplomatic missions to international organizations in New York City. Treasury, through the Secret Service, is also responsible for protecting chiefs of states and heads of government visiting the United States whereas the Department of State is responsible for all other visiting dignataries. State and local authorities are used to working with both Departments. There are sound operational reasons for this division of responsibility and it works.

The overwhelming part of the task in New York City is the diplomatic missions. I can recall only one case in the past year in which we were asked to provide dedicated protection to a consulate. Treasury determined that it did not have the legal authority to provide the protection. The problem was resolved by sending a Department of State Security Agent to New York for the period of the threat. We do not see protection of consulates in New York, or in any other city, being a major operation in a single city as it is in the case of the diplomatic corps in New York City and Washington, D.C.

[Whereupon, at 3:15 p.m., the committee adjourned, subject to call of the Chair.]

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